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A DISSERTATION

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BY THE

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FOREWORD

THE subject matter of this treatise is one of great moment in the Catholic world today. This is especially true in our country, where freedom of religious worship is held as a basic principle for each and every inhabitant. The practical equality given to all religious denominations is frequently a source of difficult situations for Catholics, since non-Catholics do not understand why Catholics must stand aloof, and cannot be "broadminded" in giving reciprocal participation in religious worship.

The Catholic Church has a unique position; it is the only Church in which public worship can legitimately be given to God, and this by His own manifest decree. Therefore, Catholics may do nothing to compromise the place of their Church. Yet the modern attitude of equality of religious belief has filtered into the souls even of some Catholics, so that at times they are not aware of the unlawfulness of mingling with non-Catholics in these latters' religious worship. It has become more or less a matter of courtesy to go to their churches on given occasions. As a regrettable result of such conditions, the barriers to the spread of religious indifferentism have been lowered.

These considerations have prompted the treatment of this question of the communication of Catholics in the religious worship of non-Catholics. The writer is convinced that this is primarily a moral problem, and he has endeavored to base the treatment of it on theological principles as much as possible, in regard to both the general doctrine and the particular applications. The legislation of the Church, however, as found in the Code, and in particular decisions and letters of the Holy See, had to be used for an adequate treatment of the matter. Although particular decisions and letters of the Holy See do not have the force of general law, they are directive norms for the whole Church in as far as some principle and its application are concerned. Accordingly, moralists and canonists refer to these decisions and letters extensively in dealing with matters pertaining to communication in religious worship.

The field of this study has been limited to some degree. Most questions pertaining to co-operation with non-Catholic religions, such as helping to build or repair their churches, furnishing things used in their churches, and so forth, have been eliminated, since this treatise deals rather with communication in the exercise of non-Catholic worship. Some forms of co-operation more intimately connected with this aspect, however, have received consideration. Discussion of the Catholic attitude on concerted activity of the Catholic Church and non-Catholic sects for the promotion of civil, or public, objectives, has likewise been omitted.

The writer is pleased to discharge a great debt of gratitude by expressing his thanks and appreciation to his superiors for the opportunity of making advanced studies at the Catholic University; to the Rev. Francis J. Connell, C.SS.R., S.T.D., for his painstaking direction and help in preparing this dissertation; to the Rev. Joseph Fenton, S.T.D., and the Rev. Alfred Rush, C.SS.R., S.T.D., for their assistance and for their approval of this dissertation; and to all who helped in any way to make it possible.

CHAPTER I

PRELIMINARY NOTIONS

THIS treatise on the communication of Catholics in non-Catholic worship is concerned with one phase of what is known in theological terminology as *communicatio in sacris cum acatholicis*. That phrase is quite general in its content. It can signify communication either of Catholics with non-Catholics, or of non-Catholics with Catholics, in religious worship. The former signification is the object of this study.

Communication, in general, means common action.[1] Communication with non-Catholics is a kind of co-operation by which things are done in common with them; [2] in practice its meaning is extended to signify any form of contact or association with them.[3] Communication may be in civil or in religious matters. Civil communication embraces such things as signs of benevolence, manifestations of honor, greetings, business or contractual associations, domestic relationships, or societies.[4] Communication in religious matters centers about all that pertains to religion directly, as rites, dogmas, sacrifices, and prayers, and to mixed matters in so far as they have a bearing on religion, as marriages and funerals wherein there is a religious rite.[5]

An exact definition of religious communication with non-Catholics in their worship must embrace all these ideas. There is no precise definition commonly accepted by the authors; the definitions given are individual attempts at an accurate expression of the concept involved. It seems that an adequate definition may be formulated from the definition Michel gives of religious communication

[1] Vermeersch, *Theologiae Moralis Principia, Responsa, Consilia*, Tom. II, n. 50, p. 41.

[2] Vermeersch, *loc. cit.*

[3] DeMeester, *Iuris Canonici et Iuris Canonico-civilis Compendium*, Tom. III, Pars I, n. 1252, p. 153.

[4] Marc-Gestermann, *Institutiones Morales Alphonsianae*, Tom. I, n. 1295, p. 829.

[5] Merkelbach, *Summa Theologiae Moralis*, Tom. I, n. 752, 2, pp. 581-582.

with heretics.[6] He says the same principles apply to this communication with schismatics, and, *a fortiori*, with infidels. Religious communication with non-Catholics in their worship, then, may be defined as the participation of Catholics with non-Catholics in prayers or rites of cult. This manner of expression is general enough to include everything that needs consideration on this point. "Prayers and rites of cult" can embrace whatever prayers, rites, and ceremonies are employed in religious worship, both public and private.

The term non-Catholics is used in a wide sense. Strictly speaking, non-Catholics are only those persons who are validly baptized but are not members of the Catholic Church, for example, heretics, schismatics, apostates. In the wide sense all who do not profess the Catholic religion are said to be non-Catholics.[7] In this sense, non-Catholics, or non-members of the Catholic Church, are those who are included in at least one of the following categories: (1) those who have not received a valid baptism of water; (2) those who do not exteriorly manifest a profession of the true faith; (3) those who are not bound by the bond of Catholic communion.[8] We are concerned with this general field of non-Catholics only as practicing religion outside the Catholic Church. The so-called Christians of the various sects come under this general classification, for they are either infidels, that is, not validly baptized, or heretics, at least material, depending on whether they have formally or only materially rejected Catholicism.[9] It is to be noted that not being a member of the Catholic Church is not the same as not being a subject of the Catholic Church. For every validly baptized person is *de jure* a subject of the Catholic Church.[10]

[6] *On entend par communication avec les hérétiques dans les choses sacrées une participation avec eux dans le prière ou les rites cultuels*, art. *Hérésie*, n. 6, *Communication in divinis, DThC*, Tom. VI, col. 2230. Cf. Beste, *Introductio in Codicem*, p. 614.

[7] Iorio, *Theologia Moralis*, Vol. I, n. 274, note (1), p. 228.

[8] Tanquerey-Bord, *Synopsis Theologiae Dogmaticae*, Tom. I, nos. 1004-1008, pp. 668-671.

[9] It is common teaching that even merely material heretics and schismatics are not members of the Catholic Church—Lercher-Schlagenhaufen, *Institutiones Theologiae Dogmaticae*, Vol. I, n. 413, p. 235.

[10] Tanquerey-Bord, *op. cit.*, Tom. I, n. 1012, (3), pp. 674-675. Cf. canons 12 and 87.

Although the authors are dealing with the same concepts in their treatises on this matter, they are not unanimous in their use of a division. For practical reasons the following division is chosen as more in harmony with the terminology of the Code of Canon Law.[11] Religious communication with non-Catholics can be formal or active, and material or passive.[12] The communication is formal or active, when a Catholic takes a positive part in the exercise of non-Catholic worship.[13] For example, to receive the eucharist of an heretical sect, or to sing with heretics in their religious functions is a formal communication.[14] Material or passive communication consists in a mere bodily presence at the sacred functions of non-Catholics.[15]

Some authors do not give formal communication so wide an extent; they do not consider every active participation in a non-Catholic religious service as a formal communication. Vermeersch, for example, looks upon playing the organ as a form of proximate material co-operation.[16] Since the majority of the moralists,[17] however, consider that action as a formal communication in non-Catholic worship, and since the Holy See has said it is never allowed,[18] there seems to be justification for including it under the general heading of formal communication. By reason of its part in the function, playing the organ at a religious service is to be classed as a specifically religious action.

This attitude of Vermeersch follows from a difference he notes between communication and participation. Both consist in taking part in the action of another, whether merely internally by intention

[11] Cf. canon 1258, § 1 and § 2.

[12] DeMeester, *loc. cit.*, n. 1252, 2°, pp. 153-154.

[13] Cf. DeMeester, *loc cit.*

[14] Noldin-Schmitt, *Summa Theologiae Moralis*, Tom. II, n. 38, 2, a, p. 38.

[15] DeMeester, *loc. cit.*

[16] *Op. cit.*, Tom. II, n. 50, p. 41; n. 8, p. 124. Cf. Davis, *Moral and Pastoral Theology*, Vol. I, p. 286.

[17] Cf. Noldin-Schmitt, *op. cit.*, Tom. II, n. 39, 4, c, p. 40; Aertnys-Damen, *Theologia Moralis*, Tom. I, n. 314, II, Qu. 4°, p. 236; Prümmer, *Manuale Theologiae Moralis*, Tom. I, n. 526, d), p. 372; DeMeester, *op. cit.*, n. 1253, note 4, p. 154; Kenrick, *Theologia Moralis*, Tom. II, Tract. XIII, n. 37, p. 48; Konings, *Theologia Moralis S. Alphonsi in Compendium Redacta*, Vol. I, n. 313, I, p. 142.

[18] *Col. S.C.P.F.*, Vol. II, n. 1713, p. 240.

and desire, or externally, too. To his mind external communication is considered as formal, while external participation is reduced rather to co-operation, which in some matters can be formal or merely material, according to the intention.[19] There seems, however, to be no practical reason for this distinction in regard to our matter. To participate actively, even only externally, in a non-Catholic religious ceremony is a formal communication. Therefore, communication and participation are used interchangeably in this study. Because of this concept of formal communication the division chosen is to be preferred to the one given by a moralist in the periodical *Profice Munus*.[20]

Formal religious communication can be public or private.[21] It is public when a Catholic participates in the ceremonies of non-Catholics as an organized religious group, such as those which take place in a church, or those performed by a minister in his official capacity. It is private when a Catholic participates with a non-Catholic in a sacred action which he performs as a private person, for example, to recite an unorthodox prayer with him. Even with a group (small, at least) it could be private. Material religious communication can be public or private, too, depending on whether there is passive presence at a public or at a private religious function.

The basis for this moral problem is the fact that the religious worship of non-Catholics *per se* or *as such* has no objective value in the sight of God. This is always true of the public exercise of religion; it is true, also, of the private exercise of religion whenever it contains anything heretical or not in harmony with the regulations of the supreme authority in religious matters. Although man has a natural duty to honor God both by private and public worship, because of the individual and social aspects of his created nature, it is not within his rights to determine his own form and manner of worship contrary to God's rulings. Now, God has deigned to make a positive disposition in the matter of religion by establishing a Church which all men are obliged to join.

[19] *Loc. cit.*, p. 41.
[20] Vol. XI (1936), p. 79.
[21] Noldin-Schmitt, *op. cit.*, Tom. II, Pars I, n. 34, c, p. 35.

The Church concerned in this treatise is the militant Church. It is usually defined as an assembly of men on earth united by the profession of the same Christian faith and by the communion of the same sacraments, under the rule of legitimate pastors and especially of the Roman Pontiff.[22] This definition is the traditional one of Bellarmine,[23] except that the notion of the members of the Church being persons on earth has been added. By this addition the purpose of the Church is stated implicitly, since the Church is called "an assembly of men on earth" to indicate her aim—the salvation of those on earth.[24] Those who are not members of the Church are excluded by this definition: infidels and heretics, because they do not profess the same Christian faith; the excommunicated, because they have been cut off from the communion of the sacraments, and other spiritual benefits; schismatics, because they refuse to be subject to the legitimate pastors.[25]

Moreover, this definition contains the elements of the Church as a society: namely, the material element of members; a bond of union by which the members are held together, which is the formal element; the principal and proximately adequate means for achieving its purpose; an indication of its purpose.[26] It is *de fide* that Christ instituted His Church as a society which was to endure in the world.[27] For His society Christ determined: (1) a common purpose, the salvation of souls; [28] those bound to be subjects,[29] all men of all times gathered into one body; [30] an authority, for He chose the Apostles under the headship of St. Peter as the first rulers, and gave them power to teach and to baptize, and to send others to do so; [31] definite and suitable means to obtain the salvation of the subjects,

[22] Cf. Ottaviani, *Institutiones Iuris Publici Ecclesiastici*, Vol. I, n. 88, p. 169.
[23] *De Controversiis Christianae Fidei*, Tom. II, Lib. III, Cap. II, p. 270.
[24] Ottaviani, *loc. cit.*, n. 88, p. 170, and note 3.
[25] Bellarmine, *loc. cit.*
[26] Ottaviani, *loc. cit.*, pp. 169-170.
[27] Vatican, Sess. IV, *DB*, 1793, 1821-1823; *Antimodernist Oath*, *DB*, 2145. Cf. St. Thomas, II-II, q. 88, a. 22.
[28] *John* 3/17, 10/27-28, 17/19; *Mark* 16/16.
[29] *Matthew* 28/19-20.
[30] *Matthew* 10/1, 16/18-19, 28/17; *Luke* 10/16.
[31] *Matthew* 28/19-20; 16/17-19; *John* 20/21, 21/15-17.

namely, profession of the same faith,[32] participation in the same rites, especially Baptism, the Eucharist, and Penance,[33] submission to the Apostles and their successors.[34] The salvation of souls is a purpose of a religious nature, therefore, since a society is determined by its purpose, the society established by Christ is a religious society.

It follows from the nature of Christ's religious society that it must be visible.[35] He intended His Church to continue His visible mission on earth. In referring to it He called it His flock,[36] a sheepfold,[37] a kingdom; [38] He compared it to a city built on a mountain: [39] He said it was like a field in which there were both wheat and cockle,[40] a net containing both good and bad fish,[41] a banquet at which good and bad recline together.[42] These expressions imply something which can be seen. According to His will His Church was to have a visible teaching power, a visible ministry, a visible government. Moreover, the need of distinguishing characteristics in His Church can be seen from the duty of the Apostles and their successors to teach and to baptize all men, and from the corresponding obligation of all men to receive their teaching and baptism. The Church is the one ordinary means of salvation for all men, and consequently Christ must have made it possible for all to discern the true Church.

Christ did not make a merely general provision for authority in His religious society. He established a definite type of authority in it, and designated the fields for its activity. He set up an hierarchical society,[43] to the rulers of which He gave the triple power of teach-

[32] *Mark* 16/15-16; *Matthew* 28/19-20.

[33] *John* 3/5, 6/52-54, 20/21-23; *Luke* 20/19.

[34] *Matthew* 18/18. Cf. Leo XIII, Encyclical, *Satis Cognitum*, June 29, 1896, *ASS*, Vol. XXVIII, pp. 724-725.

[35] It is *de fide* that this society is essentially visible, that is, that it can certainly be known from manifest criteria, Vatican, Sess. III, *DB*, 1793.

[36] *John* 21/15-17.

[37] *John* 10/16.

[38] *Matthew* 13/24, 41.

[39] *Matthew* 5/14-15.

[40] *Matthew* 13/24-26.

[41] *Matthew* 13/47 seq.

[42] *Matthew* 22/1 seq.

[43] *Mark* 3/13-16; *Matthew* 10/1-21; *Luke* 6/12-17; *John* 20/21.

ing,[44] sanctifying,[45] and ruling.[46] Among the Apostles, St. Peter was to have supreme authority.[47] The nature of this supreme power is adapted to the nature of the society in which it is placed. The Church was established as supreme in the field of religion; it is to be propagated universally and shares the authority which Christ Himself possessed. The Church, then, is perfect and independent, having in itself and of itself full power to pursue its purpose. The authority in the ruler or rulers of a perfect society is jurisdiction, namely, a moral power by which the members of the society can be obliged by the ruler or rulers to pursue the purpose of the society by using the necessary and useful means. The supreme head, if he is an absolute ruler, has supreme and full jurisdiction so that he possesses full legislative, judicial and coercive power.[48]

Christ endowed His Church with the prerogative of infallibility. His Apostles were to teach with His authority,[49] and the same obedience of faith was to be given to them as to Him.[50] He promised His divine assistance to the Apostles; [51] He promised to send them the Holy Spirit, Who would remain with them forever, to teach them all truth, so that they could faithfully testify to His doctrine.[52] He obliged all men to subject themselves by the obedience of faith to the Apostles under the threat of eternal damnation.[53]

Christ intended His Church to endure to the end of time, substantially in the same form in which He constituted it. Since, however, this study is not apologetical, it would not be to our point to determine, by an examination of the claims of the different churches, which is the Church of Christ in the world today. It suffices to

[44] *Matthew* 28/18-20.

[45] *John* 3/5, 6/52-54, 20/21-23; *Luke* 22/19.

[46] *Matthew* 18/18. These facts are *de fide:* Vatican, *DB*, 1821, 1823, 1828.

[47] *Matthew* 16/16-19; *Luke* 22/31 seq.; *John* 21/15-17. This has been defined: Vatican, *DB*, 1822, 1823. Cf. *Lamentabili, DB*, 2055; *Antimodernist Oath, DB*, 2145.

[48] Lercher-Schlagenhaufen, *op. cit.*, Vol. 1, nos. 288-289, pp. 163-164. Cf. Leo XIII, Encyclical, *Immortale Dei*, Nov. 1, 1885, *ASS*, Vol. XVIII, p. 165.

[49] *John* 20/21.

[50] *Luke* 10/16.

[51] *Matthew* 28/20.

[52] *John* 14/16, 17, 26; 16/12-14.

[53] *Mark* 16/16.

point out that the Church of Rome is the only one which satisfies all the requirements. She presents the notes with which Christ endowed His Church,[54] and has both internal and external motives of credibility for her divine origin; [55] her Bishops are the successors of the Apostles; [56] the Pope is the successor of St. Peter in the primacy.[57] Therefore, she claims to be the true Church, divinely established, infallible, with power and authority to teach, govern, and sanctify all men.

The facts that there is, and can be, only one Church of Christ, and that His Church must have an internal unity are fundamental for this study. These are distinct notions, the one being the unicity, and the other the unity, of the Church. Unicity concerns number and excludes multiplicity; unity refers to the constituent elements of a thing and excludes the dispersion, or the lack of connection, of the parts.[58]

Christ indicated He was establishing one Church in calling it His flock,[59] a sheepfold,[60] a kingdom.[61] These analogies signify that He is speaking of *one* organization. Similarly He referred to the Church in the singular number when He said to St. Peter: "Thou art Peter, and upon this rock I will build My Church." [62] His Church was to be the one ark of salvation for mankind. St. Paul, in his teaching that the Church is the Mystical Body of Christ, intimates there is only one Church of Christ: as Christ had but one real Body, so He has only one mystical Body.[63]

[54] Cf. *Encyclical Letter of the Holy Office*, September 16, 1864, *Coll. S.C.P.F.*, Vol. I, n. 1262, pp. 696-697; Pius XI, Encyclical, *Mortalium Animos*, January 16, 1928, *AAS*, Vol. XX, pp. 5-16; canon 100, § 1.

[55] *DB*, 1624-1627, 1635-1639, 1686; *Encyclical Letter of the Holy Office, loc. cit.*; Vatican, *DB*, 1790, 1812; *Antimodernist Oath, DB*, 2145.

[56] Vatican, *DB*, 1828; *Lamentabili, DB*, 2049, 2050, 2054; *Antimodernist Oath, DB*, 2147; canon 329.

[57] Ephesus, *DB*, 112; Florence, *DB*, 694; Vatican, *DB*, 1824, 1825; canon 219.

[58] Cf. Zubizarretta, *Theologia Dogmatico-Scholastica*, Vol. I, n. 371, (1), p. 338; Knox, *The Church on Earth*, pp. 17-22.

[59] *John* 21/15-17.

[60] *John* 10/16.

[61] *Matthew* 13/24, 41.

[62] *Matthew* 16/18.

[63] Cf. *Colossians* 2/18-19; *Ephesians* 1/23, 4/12-16, 5/23.

Tradition and the magisterium of the Church teach there is only one Church of Christ. St. Iraenaeus wrote:

> It is necessary that every Church, that is, those who are faithful everywhere, be in accord with this (*i. e.*, the Roman) Church, in which is always preserved by those who are everywhere that tradition which is from the Apostles, because of its pre-eminent authority.[64]

Tertullian taught that the teaching of Christ is only in the Church of the Apostles.[65] St. Cyprian said: "There is one God, and one Christ, and His one Church, and one people united into the solid unity of a body by the paste of mutual harmony." [66] In more recent times, Pope Leo XIII, in his encyclical on the unity of the Church, wrote:

> But when we consider what was actually done we find that Jesus Christ did not, in point of fact, institute a Church to embrace several communities similar in nature, but in themselves distinct, and lacking those bonds which render the Church one and indivisible after that manner in which in the symbol of our faith we profess: "I believe in one Church." . . . For this reason Christ, in speaking of this mystical edifice, mentions only one Church which He calls His own, . . . "I will build My Church." [67]

The security for the unicity of the Church is to be found in the supreme authority Christ has placed in it. Pope Leo refers to this in the above quotation. Thus, there cannot be several Churches of Christ, as there can be several independent civil states. Each independent civil state is specifically the same, but is numerically different in that each one has its own distinct rule. There would be several

[64] *Adversus Haereses*, Lib. III, c. 3, n. 2, *PG*, Tom. VII, col. 849, (author's trans.).

[65] *De Praescriptionibus*, c. 21, *PL*, Tom. II, col. 33.

[66] *De Catholicae Ecclesiae Unitate*, n. 23, *CSEL*, Vol. III, Pars I, p. 231, (author's trans.). Cf. St. Hilary, *Commentarium in Matthaeum*, XIII, n. 1, *PL*, Tom. LX, col. 993; St. Jerome, *Commentarium in Epistolam ad Titum*, Cap. III, v. 10, 11, *PL*, Tom. XXVI, col. 598; St. John Chrysostom, *Homilia XI in Epistolam ad Ephesios*, n. 5, *PG*, Tom. LXII, cols. 86-87; St. Augustine, *Contra Epistolam Parmentiani*, Lib. II, n. 25, *CSEL*, Vol. LI, p. 76.

[67] Encyclical, *Satis Cognitum*, June 29, 1896, *ASS*, Vol. XXVIII, pp. 712-715; English translation, *ER*, Vol. XV (July-December, 1896), pp. 118-122.

Churches of Christ numerically distinct if the Church were dependent on the authority of the state. Then the Church would not have one supreme power over it, but a different head in each state. The result would be, not one Church, but several state churches.[68]

The Church of Christ possesses internal unity. The same words Christ used in speaking of His one Church, a flock, a kingdom, a sheepfold, likewise connote an internal unity. Moreover, just before He suffered, He prayed for His disciples—for His Church—that they might be and remain one as He and the Father are one; He asked for unity as a sign for the world that it might believe He was sent by the Father.[69] On a previous occasion He had uttered the warning that "every kingdom divided against itself is brought to desolation, and every city or house divided against itself will not stand." [70] St. Paul exhorted the Ephesians to be "careful to preserve the unity of the Spirit in the bond of peace: one body and one Spirit, even as you were called in one hope of your calling." [71]

Tradition gives abundant testimony to the unity of the Church, and many Fathers could be quoted. St. Bernard draws a comparison from the garment of Christ,—a comparison used in early patristic writings: "The garment is the unity of the Church, which knows no rending, receives no division." [72] Pope Leo XIII, in the encyclical quoted above, said:

> But He indeed, Who made this one Church, also gave it unity, that is, He made it such that all who are to belong to it must be united by the closest bonds, so as to form one society, one kingdom, one body.[73]

This internal unity of the Church means that it must be one and undivided in itself by reason of the same rule, the same profession of faith, and the same worship. Unity of rule is that by which all

[68] Cf. Ottaviani, *op. cit.*, Vol. I, pp. 190-194.

[69] *John* 17/20-23.

[70] *Matthew* 12/25.

[71] *Ephesians* 4/3-4.

[72] *Epistola 334, ad Guidonem pisanum, PL,* Tom. CLXXXII, col. 538, (author's trans.). Cf. Encyclical, *Satis Cognitum,* June 29, 1896, for quotations from the Fathers on the unity of the Church—*ASS* and *ER, loc. cit.*

[73] Encyclical, *Satis Cognitum,* June 29, 1896, *ASS* and *ER, loc. cit.*

the members of the Church are legitimately and externally subject to the individual Bishops, and together with the Bishops subject to the supreme spiritual authority of the Pope; this bond is the formal foundation of all unity in the Church. Unity of faith signifies that all the faithful externally profess belief in the same body of truths revealed by God and proposed by the teaching authority of the Church. Unity of worship means that the faithful are externally united by a participation in the same cult and sacrifice, and by the reception of the same sacraments.[74]

A testimony to the efficacy of the prayer of our Lord for unity is found in the infant Church, "The multitude of the believers were of one heart and one soul."[75] Although many dissensions arose in the early years of the Church, they were immediately quieted by the Apostles, and the disobedient were excluded from the Church; division of the Christian society into various sects and denominations was not sanctioned. In each city the Christians formed one Church, which was a portion of the one universal Church, and no vestige of division was to be found among them.[76] The words of Christ concerning the other sheep He had to bring into His fold, so that there would be but one flock and one shepherd,[77] can be verified only by a unity of faith and rule. According to the teaching of Christ, one who adheres to his own views, and does not obey the authority constituted by Him, can belong no longer to His Church.[78] St. Paul was severe with those who destroyed the unity of faith, and fostered division or schism.[79] He enumerates heresy and schism among the worst sins.[80] SS. John, Peter and Jude manifested a similar zeal against heresies and schisms.[81]

[74] Tanquerey-Bord, *op. cit.*, Tom. I, n. 771 (b), pp. 518-519. Cf. St. Thomas II-II, q. 39, a. 1: "The unity of the Church is manifested in the mutual connection or communication of its members, and likewise in the relation of all the members of the Church to one head," (author's trans.).

[75] *Acts* 4/32.

[76] *Acts* 11/22, 13/1; *I Cor.* 1/2.

[77] *John* 10/16-17.

[78] *Matthew* 18/17.

[79] *Galatians* 1/8; *I Cor.* 1/10-12.

[80] *Galatians* 5/22.

[81] *I John* 4/1-7; *Apoc.* 2/6, 14, 15, 20-29; *II Peter* 2/1-19; *Jude* 5-19.

It is certain that the Church of Rome possesses the unity required in the Church of Christ.[82] The Catholic Church possesses unity of rule, for the faithful throughout the world are subject to the Bishops, and both the faithful and the Bishops are subject to the supreme authority of the Pope. She has unity of faith, because all her members interiorly believe and exteriorly profess the same symbols of faith interpreted in the same way. Finally, unity of cult is to be found in the Church of Rome, for all her members participate in the same sacraments, the sacrifice of the Mass, and all other exercises of cult under the supervision of the Pope. It is to be admitted that in some localities there are accidental differences in some rites of Catholic worship, but such differences do not destroy essential unity of worship; they have the sanction of the Holy Father.[83] Now, neither schismatics,[84] nor Protestants possess the formal constitutive element of unity of the Church of Christ, for they do not acknowledge the supreme authority of the Pope. Material unity of cult is lacking among the Protestants, since they do not agree among themselves about the number of sacraments, the doctrine of the Real Presence, liturgical formulas, and so forth.[85]

The foundation on which this study rests, then, is that the Catholic Church is the one Church of Christ, alone possessing the true cult of God,[86] a cult which must be uniformly the same, in so far, at least,

[82] Suarez, *De Fide*, Disp. IX, Sect. IX, n. 4, *Opera Omnia*, Tom. XII, p. 276; Tanquerey-Bord, *op. cit.*, Tom. I, n. 775, p. 520. Cf. Bellarmine, *op. cit.*, Tom. II, Lib. IV, Cap. X, pp. 292-293. *The Encyclical of the Holy Office*, September 16, 1864, forbade membership of Catholics in a society to preserve the unity of Christendom. The Society was composed of Anglicans, Greek Schismatics, and Roman Catholics. The argument used was that the Church of Christ is one, and that the Catholic Church enjoys a conspicuous and perfect unity—*Coll. S.C.P.F.*, Vol. I, n. 1262, pp. 676-677.

[83] Lercher-Schalgenhaufen say uniformity in accidental rites is not required for liturgical unity, *op. cit.*, Vol. I, n. 439, p. 254. Cf. Pius IX, *Littera Encyclica ad Episcopos Orientalis Ritus*, April 8, 1862, *Coll. S.C.P.F.*, Vol. I, n. 1226, pp. 674 seq.

[84] Concerning the Orthodox Catholics, cf. Fortescue, *The Orthodox Eastern Church*, pp. 336-337.

[85] Tanquerey-Bord, *op. cit.*, Tom. I, nos. 776-778, pp. 336-337.

[86] *Cf.* Lactantius, *Divinae Institutiones*, Lib. IV, c. XXX, *P.L.*, Tom. VI, cols. 542-544.

as any public exercise of it must be under the supervision of the supreme authority of the Church. To effect the unity of cult, which must be characteristic of her, she must supervise the acts and the rites of worship, as well as designate and approve the ministers of that worship. Any religious group, or body, which is not subject to the Church, therefore, does not share in the unity of worship of the Church of Christ, although it may have rites, sacraments, and a sacrifice like those in the Catholic Church, together with validly ordained ministers. To participate in worship with a group of this kind is to share in public worship which is unauthorized by God.

The fact, however, that some persons outside the Catholic Church are in good faith regarding their religious affiliations and practices is not overlooked. Sincerity and good faith can make adults members of the Church of Christ in desire, which, if they possess the state of grace, is sufficient for their salvation, as long as their failure to become actual members is not due to their own fault or negligence.[87] But the subjective dispositions of non-Catholics will not remove the moral questions involved when there is question of Catholics communicating with them in their religious services.

The same objective truth can be seen from a consideration of the idea of religion. The purpose of the Catholic Church is to lead men to salvation. For the attainment of this end, in addition to faith, there is necessary, as Pope Leo XIII says,

> the fitting and devout worship of God, which is to be found chiefly in the divine Sacrifice and in the dispensation of the sacraments, as well as salutary laws and discipline. . . . The Church alone offers to the human race that religion—that state of absolute perfection—which He wished, as it were, to be incorporated in it.[88]

Objectively, religion is the complexus of the truths and duties by which our entire life is ordained to God the ultimate end. This concept embraces three elements: (1) dogmas to be believed; (2) duties to be fulfilled; (3) cult to be exercised by various rites.[89] These

[87] Tanquerey-Bord, *op. cit.*, Tom. I, nos. 825-826, pp. 555-557. Cf. Pius IX, Allocutio, *Singulari quodam*, *DB*, 1647.

[88] Encyclical, *Satis Cognitum*, June 29, 1896, *ASS*, Vol. XXVIII, p. 723; English trans., *ER*, Vol. XV, p. 132.

[89] Tanquerey-Bord, *op. cit.*, Tom. I, nos. 86-87, pp. 67-68. Cf. E. Magnin, art. *Religion*, *DThC*, Tom. XIII, II Part., cols. 2184-2185.

elements are verified in the Catholic religion, which is a religion of the supernatural order. The Church uses her God-given authority regarding the cult of God by watching over its exercise, the rites used, the prayers said, the ceremonies and actions employed.[90] Religion has an intellectual foundation, that is, it is based on knowledge. To be true religion its basis must be truth. The basis must be true both speculatively and practically. In other words, true religion must be based on a correct knowledge of God as existing and worthy of all honor, and of the manner and obligation of worshipping Him. On the other hand, religion is false if what is not God is considered to be God, and worshipped as God, or if there is error in the worship of the true God. Therefore, God is not truly worshipped when erroneous signs are used in His worship, as those of the Jews, or when superfluous ceremonies are employed, as by pagans and many heretics. Any lack of subjection of the mind to God, directly, or indirectly by not submitting to the authority established by Him, causes a deordination in religion.[91] Hence, even though a form of cult exercised by a non-Catholic religious body contains nothing false, it is not a legitimate act of religion, because that body has no authority to prescribe and to practice religious acts, as a body existing against the order of things established by Christ.

Subjectively, religion is a virtue which prompts a man to render to God the worship and reverence that is His by right.[92] To be truly the virtue of religion it must be based on religion as objectively true. It is to be noted that an act based on a false religion cannot be really an act of virtue. For a virtue requires a morally good work. But in the cult of a false god, or in the false and superstitious cult of the true God, there can be no moral goodness, since such cult is opposed to right reason.[93] A person, who practices a false or superstitious religion in good faith, may acquire merit for his good will, but not for the acts as such, because they are objectively bad.

[90] The custody of revelation demands vigilant supervision over cult as a safeguard against errors entering into the manifestations of cult. Cf. Ottaviani, *op. cit.*, Vol. I, nos. 129-130, pp. 246-247.

[91] Cf. Suarez, *De Religione*, Tract. I, Lib. I, Cap. II, nos. 2-4, *Opera Omnia*, Tom. XIII, p. 7.

[92] St. Thomas, II-II, q. 81, a. 1.

[93] Suarez, *loc. cit.*, n. 4, p. 7.

CHAPTER II

HISTORICAL SUMMARY

In tracing the history of this moral question it must be borne in mind that theology was not cast into a systematic form until the scholastic period. As time went on, and as circumstances required it, specific treatment of special problems in moral theology appeared. The early teaching on this point, therefore, must be culled from the writings of the inspired writers and of the Fathers, and from the pronouncements of the Church.

Article I. Early Ages

A. Holy Scripture

The abomination which the Church has had, from the very beginning, for association with heretics is evident from the words of St. John: "If anyone comes to you and does not bring this doctrine, do not receive him into the house, or say to him Welcome. For he who says to him Welcome, is sharer in his evil works."[1] Manifestly this text forbids all association, in both religious and civil matters, with those who do not profess Catholic doctrine. In 1859 the Holy Office made the following commentary on these words:

> Evidently from these words, whatever a "Welcome" of this kind expresses is inferred as prohibited, in as far as they are liturgical actions which were instituted to signify ecclesiastical unity. . . . It is illicit, therefore, in the sacred functions, to invite heretics to choir, to sing psalms alternately with them, to give them the *pax*, sacred ashes, candles, and blessed palms, and other things of external cult, which are considered, rightly and deservedly, as indicative of an internal bond and agreement, both in the active sense, namely, of giving such things to them, and in the passive sense, of receiving the same from them in their sacred rites.[2]

[1] *II John*, vers. 10 and 11.

[2] *Instructio S. C. S. Officii*, June 22, 1859, *Coll. S.C.P.F.*, Vol. I, n. 1176, p. 642, (author's trans.).

Suarez affirms that the reason the Apostle gives for this prohibition is verified in religious communication especially, because he who unites himself with heretics in their churches, communicates in their wicked works.[3]

St. Paul says: "A factious man avoid after a first and a second admonition."[4] Benedict XIV uses this citation, as well as the one from St. John, to show that religious communication with heretics has not been allowed.[5]

In his First Letter to the Corinthians, St. Paul gives the solutions for three cases of conscience, which were brought about by sacrificial banquets, by the buying, and by the eating of food sacrificed to idols.[6] The table by common usage forms a bond of union for its sharers, and that union becomes more intimate and sacred when the banquet is the consummation of a sacrifice. A religious feast implies three unions: union with the sacrificing priest, for the banquet is the completion of the sacrifice; union with the god, who is worshiped; union with the victim itself. These unions involve acts of religion toward a false deity, and, therefore, are manifestations of idolatry. St. Paul says that worship which is not given to the true God is given to the devils:

> But I say that what the Gentiles sacrifice, "they sacrifice to the devils and not to God"; and I would not have you become associates of devils. You cannot drink the cup of the Lord and the cup of the devils; you cannot be partakers of the table of the Lord and of the table of the devils.[7]

Thus, the zealous Apostle is solicitous that his disciples take no part in idolatrous worship. Regarding the buying of food sacrificed to idols, he allows the Christians to do so without troubling themselves about its origin, because the animal sacrificed to idols acquires no intrinsic impurity. As to the eating of such food at another's table, St.

[3] *Defensio Fidei*, Lib. VI, Cap. IX, n. 17, *Opera Omnia*, Tom. XXIV, p. 708.

[4] *Titus* 3/10.

[5] *De Synodo Diocesana*, Lib. VI, Cap. V, n. I, *Opera Omnia*, Tom. XI, p. 157.

[6] *I Cor.* 10/14-30.

[7] *I Cor.* 10/20-22.

Paul considers it an indifferent matter to eat what is placed before the guests. Yet if there is an external circumstance of scandal present, the meat should not be eaten.

> If one of the unbelievers invites you, and you wish to go, eat whatever is set before you, and ask no questions for conscience' sake. But if someone says, "This has been sacrificed to idols," do not eat it, for the sake of him who told you and for conscience' sake—I mean the other's conscience not thine.[8]

Furthermore, any passage in Sacred Scripture forbidding a denial of the faith is a rule for the Church in our matter.[9] St. Matthew quotes these words of Christ: "But whoever disowns Me before men, I in turn will disown him before My Father in heaven." [10] St. Thomas says that this text refers to a denial of the faith both by word and by deed: by word as St. Peter did, by deed as those did of whom St. Paul speaks in his letter to Titus,[11] "They profess to know God, but by their works they disown him." [12]

B. Fathers and Early Writers

St. Iraenaeus cites the passage from the letter to Titus about avoiding a factious man to show how timorous the Apostles and their disciples were lest they should communicate even by word with anyone who had adulterated the truth.[13] He denies the right of heretics to offer sacrifices, thus vindicating the exclusive right of the Catholic Church to offer sacrifice.[14]

Tertullian teaches that Catholics must abstain from idol sacrifices and sacrificial banquets, "because we cannot eat the food of God, and the food of demons." Moreover, he instructs the Christians to keep from within sight or hearing of idol sacrifices.[15] In another work he

[8] *I Cor.* 10/27-30. Cf. Prat, *The Theology of Saint Paul*, trans. from the 11th French edition by John L. Stoddard, Vol. I, pp. 115-118.

[9] Cf. Chapter III of this study.

[10] *Matthew* 10/33.

[11] *Titus* 1/16.

[12] *In Matthaeum Evangelistam Expositio*, Cap. X.

[13] *Adversus Haereses*, Lib. III, Cap. 3, *PG*, Tom. VII, cols. 853-854.

[14] *Op. cit.*, Lib. IV, Cap. 18, n. 14, *PG*, Tom. VII, col. 1027.

[15] *Liber de Spectaculis*, Cap. XIII, *CSEL*, Vol. XX, Pars I, pp. 15-16.

makes this distinction: to assist because invited for the sacrifice is to be a participator in idolatry; to be joined with the one sacrificing for another reason is to be a mere spectator of the sacrifice.[16] He says that heretics have no part in our discipline, since the removal from communion shows they are outside.[17]

During the times of St. Cyprian various questions came up pertaining to religious communication with those outside the one fold of Christ. He is equally strong in denouncing such communication, whether with heretics, schismatics, or infidels. Referring to the obligation of avoiding heretics in general, he says:

> Moreover, let our most beloved brethren resist bravely, and avoid their words and conversation, which spread like a cancer . . . as the Apostle says: "A factious man avoid after a first and a second admonition"[18] . . . so that no commerce be united with such persons, that no association or conversation be made with evil ones, and that we be as separated from them as they are distant from the Church . . . and the holy Apostle not only admonishes, but commands, us to go away from such persons. He says: "We command you in the name of the Lord Jesus Christ, that you recede from all the brethren who walk inordinately, and not according to the tradition they have received from us."[19]

In another letter the same saint writes in a similar strain:

> Depart far from the contagion of men of this kind, and avoid their words as a cancer or the plague, according to the admonition of the Lord saying, "Blind guides they are of blind men"[20] . . . and the Apostle says, "Let no one lead you astray with empty words; for because of these things the wrath of God comes upon the children of disobedience. Do not then, become partakers with them."[21] . . . Avoid the wolves who separate the sheep from the shepherd.[22]

[16] *De Idolatria,* Cap. XVI, *CSEL,* Vol. XX, Pars I, p. 50.

[17] *De Baptismo,* n. 15, *CSEL,* Vol. XX, Pars I, pp. 213-214.

[18] *Titus* 3/10.

[19] *Epistola LIX, ad Cornelium,* c. 20, *CSEL,* Tom. III, Pars II, pp. 689-690, (author's trans.).

[20] *Matthew* 15/14.

[21] *Ephesians* 5/6-7.

[22] *Epistola XLIII, Plebi Universae,* cc. 5-6, *CSEL,* Tom. III, Pars II, pp. 594-596, (author's trans.).

He gives as his reasons the truths that there is one God, one Church, and one seat of authority founded on Peter by the word of the Lord; another altar cannot be set up, nor a new priesthood instituted; to gather elsewhere is to scatter. "Whatever is established by human madness in violation of the divine disposition is adultery, impiety, sacrilege."[23]

St. Cyprian also dealt with problems involved in communication in infidel worship, which arose during the persecutions. Some Catholics had actually sacrificed to the idols, some freely, other under pressure, to avoid death or other penalties; such persons were known as the *sacrificati*. The *libellatici* were another class, namely, those who had received a certificate (*libellus*) from the officials in which it was stated that they had fulfilled the law by sacrificing, or were willing to do so. This saint writes about each of these classes. He says in one of his letters:

> You should not think, most cherished brother, as it seems to some, that the *libellatici* are to be put on a par with the *sacrificati*, since the condition and the cause differ frequently even among those who have sacrificed. For he who immediately and willingly went forth to a nefarious sacrifice, and he who, after a long struggle and fight, came by necessity to this disastrous deed are not to be considered equal.[24]

In another of his writings he explains to Catholics how they sinned by actually sacrificing to the idols, or by receiving a certificate. Concerning those who did the latter he says:

> Evidently he has sinned less by not seeing the idols, by not profaning the sanctity of the faith before the eyes of the insulting people, by not polluting his hands with deadly sacrifices, by not tainting his lips with impious food. This is to his advantage in as far as there is less guilt, not an innocent conscience.[25]

The clergy of Rome express themselves in the following manner regarding the *libellatici* in a letter to St. Cyprian:

[23] *Loc. cit.*, c. 5, p. 594, (author's trans.).

[24] *Epistola LV, ad Antonianum*, n. XIII, *CSEL*, Tom. III, Pars II, p. 633, (author's trans.).

[25] *Liber de Lapsis*, c. 28, *CSEL*, Vol. III, Pars I, p. 258, (author's trans.).

> He is not free from crime who . . . wishes to seem to satisfy prescriptions, or edicts, or laws contrary to the Gospel; for by this very fact he has brought forth what he wished to appear to bring forth. . . . For let it be far from the Roman Church to cast aside her strength by such profane facility, and to dissolve the sinews of severity by throwing over the majesty of the faith.[26]

This citation, together with those from St. Cyprian's works, show that actual practices of idolatry, or a simulation of them, on the part of Catholics were forbidden as sins against the faith.

In the next century St. Hilary of Poitiers takes care to keep his flock from communicating with the Arians. He warns the faithful to avoid antichrist, and to refrain from entering the Churches with the Arian bishop. He tells them that he considers the woods, the mountains, the lakes, the prisons, and the caverns as safer for him. He cautions them to keep away from Auxentius, the messenger of Satan, the enemy of Christ, the lost devastator, the denier of the faith.[27] In a mystical interpretation of a passage in St. Matthew's Gospel, "Do not go in the direction of the Gentiles, nor enter the towns of the Samaritans," [28] St. Hilary writes that this admonition does not mean that the Apostles were not sent for the salvation of the Gentiles, too, but that they were to abstain from the life and works of Gentile ignorance; and that the prohibition not to enter a city of the Samaritans was a warning not to enter the churches of heretics.[29]

St. Augustine, too, is a champion of fidelity to Catholic worship. He reproves both actual and simulated communication in non-Catholic worship. In a letter to St. Jerome he states that one who observes the rites of Jew, or Gentile, not only truly, but even fictitiously, has fallen into the abyss of the devil.[30] He teaches that communication with heretics is to be avoided, except in what is ordained to their

[26] *Epistola XXXI, Cleri Romani ad Cyprianum*, n. III, *CSEL*, Vol. III, Pars II, p. 551, (author's trans.).

[27] *Liber Contra Auxentium, PL*, Tom. X, col. 616. Cf. St. Ambrose, *Epistola XI*, n. 4, *PL*, Tom. XVI, col. 946.

[28] *Matthew* 10/5.

[29] *Commentarium in Matthaeum*, Cap. V, n. 3, *PL*, Tom. LX. col. 967.

[30] *Epistola LXXXII, ad Hieronymum*, Cap. II, n. 18, *CSEL*, Vol. XXXIV, Pars II, p. 369.

conversion.[31] He does not allow a simulation of heresy, and he considers such simulation as a pernicious lie. In refuting the Priscillianists, who taught that a person could lawfully simulate a false religion at a time when there was an obligation to confess the faith, he says that, if that were true, the martyrs would have been justified in sacrificing to the idols to escape death.[32] De Valentia, in reference to this doctrine, says that St. Augustine evidently seems to reprove all simulation in religion.[33]

Pope St. Leo the Great teaches the wrongfulness of communicating with heretics. In one of his sermons he tells the people to flee the arguments of worldly teaching, to avoid the conferences of heretics, and to allow nothing to be in common between them and those, who, because they attack the Catholic faith, are Christians in name only.[34] He writes in a letter: "If the foolish talker wishes to remain in his wickedness, let him associate with those whose wont it has been to follow error." [35]

Pope St. Gregory the Great writes that God is truly honored only in the Catholic Church,[36] and that it is the prerogative of the Church, not of heretics, to offer acceptable sacrifice.[37] Thus he attacks indirectly a union in heretical worship.

A similar attitude can be found in the works of the writers of the East. Origen uses a part of the passage from St. Paul's First Letter to the Corinthians, already cited, to stress the obligation of keeping away from pagan sacrifices. His words are:

> We should not be partakers in their pagan things, since we know the difference between the table of the Lord and the table of the demons . . . as partakers of the table of the Lord let us abstain from all manner of communication in the table of the demons.[38]

[31] *Epistola XLIII, CSEL,* Vol. XXXIV, Pars II, p. 85.

[32] *Contra Mendacium,* Cap. II, n. 3, *CSEL,* Vol. XLI, pp. 472-474.

[33] *Commentarii Theologici in totam Summam S. Thomae Aquinatis,* Tom. III, Disp. I, Q. III, Punct. II, col. 414.

[34] *Sermo XVIII, De Passione Domini, PL,* Tom. LIV, col. 379.

[35] *Epistola ad Faustum,* n. 32, *PL,* Tom. LIV, col. 795, (author's trans.).

[36] *Moralia,* Lib. XIV, Cap. V, n. 5, *PL,* Tom. LXXV, col. 1043.

[37] *Op. cit.,* Lib. XXXV, Cap. VIII, n. 13, *PL,* Tom. LXXVI, cols. 756-757.

[38] *Contra Celsum,* Lib. VIII, n. 24, *GCS, Origines,* Vol. II, p. 241, (author's trans.).

St. Athanasius relates that St. Anthony was accustomed to avoid heretics and schismatics in everything except in what was intended to bring about their conversion.[39] Among St. Anthony's dying words there is found a caution to keep away from heretics and schismatics.[40]

St. Cyril of Jerusalem forbids a union with the religious rites of Jews and Samaritans, and teaches that all the gatherings of heretics should be objects of hatred.[41] In a later passage of this same work he warns the faithful to be careful, when traveling, how they ask for the location of the Catholic Church, for the heretics call their temples churches, too. His purpose is to make sure that they keep away from the abomination of heretics, and adhere always to the Holy Catholic Church.[42]

St. John Chrysostom writes very strongly against communication with Jews in religious rites. He gives more than one reason why this communication should be avoided. "He who falls, not only has the penalty of one who has fallen, but is punished also for having caused others to fall." [43] "There is no small harm for the weaker brethren, nor a slight incentive to pride for the Jews." [44] This zealous bishop is very firm with those Catholics, who, after observing Jewish rites and celebrations, come to their own Church. He orders that a catechumen guilty of these practices be excluded from the Church, and a baptized person be driven away from the sacred table. He bases this stand on the fact that such conduct manifestly shows that a person does not love the Lord, for he observes the feasts of those who put Him to death. To vindicate his attitude he hearkens to the teaching of St. Paul: "You who would be justified in the Law . . . have fallen from grace." [45] To urge his prohibition to communicate in Jewish rites, the saint compares it with the prohibition to attend the theater. It is evil to go to the theater, but there is greater crime in the synagogue than in the theater. What takes place in the theater is sin, but in the synogague there is impiety.

[39] *Vita S. Antonii*, n. 68, *PG*, Tom. XXVI, col. 939.
[40] *Op. cit.*, n. 91, *PG*, Tom. XXVI, cols. 970-971.
[41] *Catechesis*, IV, n. 37, *PG*, Tom. XXXIII, cols. 502-503.
[42] *Op. cit.*, XVIII, n. 26, *PG*, Tom. XXXIII, col. 1047.
[43] *Adversus Judaeos*, I, n. 5, *PG*, Tom. XLVIII, col. 851, (author's trans.).
[44] *Loc. cit.*
[45] *Galatians* 5/4. *Adversus Judaeos*, II, n. 3, *PG*, Tom. XLVIII, col. 862.

> As we upbraid them for transgressing the law, we accuse you so much the more for going to the transgressors of the law; and not only those who go there, but also those who have the authority to forbid the members of their household from doing so and yet do not wish to make the prohibition.[46]

Referring again to the passage from the letter to the Galatians, he says:

> It should be feared lest you hear from Him Who is to judge you: "I do not know where you are from. Depart from Me.[47] You have communicated with those who crucified Me; and contending with Me you have restored the solemnities which I have antiquated: you have run to the synagogues of the Jews, who acted impiously against Me and violated the law." [48]

He continues to stress his point by saying that no worthy name can be found for the synagogue. Whether it is called a den of thieves, or a brothel, or a place of transgression, or the resort of demons, or the fortress of the devil, or the ruin of souls, or the precipice and abyss of complete destruction, or anything else, the name is less than it deserves.[49]

C. Legislation

The legislation of the Church manifests a constant repugnance towards communication in non-Catholic worship. In a general review of the prescriptions of the Church it will be convenient to group them as they refer to communication in pagan, Jewish, and heretical and schismatic rites.

In reference to pagan rites the infant Church, in the Council of Jerusalem, ordained that the converts of Gentile origin in Antioch, Syria, and Cilicia should abstain from partaking of meats sacrificed to idols.[50] St. Paul seems to disregard this legislation in his solutions for the Corinthians, but actually he does not violate it. The decree of the Council was temporary and local, imposed directly upon the Gentile converts of a particular locality, as a measure of regard for

[46] *Op. cit.*, IV, n. 7, *PG*, Tom. XLVIII, cols. 881-882, (author's trans.).
[47] *Luke* 13/27.
[48] *Op. cit.*, VI, n. 7, *PG*, Tom. XLVIII, col. 914, (author's trans.).
[49] *Loc. cit.*, col. 915.
[50] *Acts* 15/29.

the feelings of the number of Jewish converts in those places. In Corinth there were not so many Jewish converts, so there was no reason for extending this legislation to apply there. As time went on, and Christianity entered upon its victory, a stricter interpretation was adopted. This kind of material co-operation in pagan sacrifices, since it appeared to encourage them, was no longer expedient, and steps were taken to eliminate it.[52]

Succeeding enactments against communication in idol worship included penal sanctions in their prohibitions, the penalties differing according to the kind of communication and the quality of the person communicating. For example, a different penalty was prescribed for a voluntary act of sacrifice, than for giving some kind of material co-operation in idolatry.[53] A penance of two years was ordered for a Catholic who should go to the Capitol, or to the temple of an idol, even out of curiosity.[54] It was forbidden, too, under the same penalty, to carry one's own meal to the banquets of pagans on their feast days and to eat it there.[55] The celebration of pagan feasts was not allowed.[56]

The legislation was more severe for the clergy who communicated in idol worship, and the penalties were not varied according to the degree of communication. A long penance was usually given, together with perpetual deposition from office, in the case of bishops.[57] Priests and deacons guilty of this communication kept the external dignity of their office, but were forbidden to exercise their ministry.[57]

[51] MacEvilly, *An Exposition of the Epistles of St. Paul*, p. 199; Prat, *op. cit.*, Vol. I, p. 119.

[52] Council of Elvira (305), canons 1, 2, 3, Mansi, Tom. II, cols. 5-6,—concerning Spain, cf. McKenna, *Paganism and Pagan Survivals in Spain up to the Fall of the Visigothic Kingdom;* Council of Ancyra (314), canons 4, 5, 6, 8, Mansi, Tom. II, cols. 529-531; Council of Nicea (325), canons 11, 12, 13, Mansi, Tom. II, col. 674; Council of Valence (374), canon 3, Mansi, Tom. III, col. 493.

[53] Council of Elvira (305), canon 59, Mansi, Tom. II, col. 15.

[54] Council of Ancyra (314), canon 7, Mansi, Tom. II, col. 530.

[55] Council of Laodicea (about 370), canon 39, Mansi, Tom. II, col. 581.

[56] St. Cyprian, *Epistola LXV*, nos. 2-3, *CSEL*, Vol. III, Pars II, pp. 723-724; *Epistola LXVII*, c. 6, *CSEL*, Vol. III, Pars II, p. 741; *Epistola LV*, n. 11, *CSEL*, Vol. III, Pars II, pp. 631-632.

[57] Council of Ancyra (314), canons 1, 2, Mansi, Tom. II, cols. 528-529.

We shall now consider the legislation regarding communication in Jewish rites. It is related in the Acts of the Apostles what difficulties arose in Jerusalem, because some of the Jewish converts did not wish to break with all their former religious practices. This group of Jews was scandalized because the new converts in Antioch were being received by baptism alone, without any other initiation.[58] They tried to require of these converts a conformity to the Law in addition to baptism as a requisite for salvation. St. Paul vehemently opposed this doctrine. Finally, the question was decided in the Council of Jerusalem, according to the vision St. Peter had received regarding the preaching to, and the conversion of, the Gentiles.[59] The opposite teaching, however, continued to have its advocates, but during the period of the persecutions by the pagan emperors, this opposition took a secondary place. After religious security was assured for the Christians, there are some instances in which they met the Jews on more familiar terms, not only in profane matters, but also celebrated their feasts with them, visited their synagogues, and took part in their liturgical rites.[60] The bitterness in the heart of the non-converted Jews manifested itself when Constantine ruled as a Christian emperor. They used the friendship of Catholics as an occasion to bring about the apostasy of the latter from the faith. Constantine was forced to inflict severe fines on Catholics who apostatized.[61]

The Council of Elvira (305) forbade Catholics, under threat of excommunication, to have the fruits of their land blessed by Jews.[62] All Catholics, both clerics and laymen, were forbidden, under penalty, to eat with Jews.[63] Another definite prohibition forbade the receiv-

[58] *Acts* 15/1-5.

[59] *Acts* 15/6-29.

[60] Kober, *Die Deposition und Degradation*, p. 621.

[61] *C. Th.* (16. 8) 7; (16. 8) 1.

[62] Canon 49, Mansi, Tom. II, col. 14.

[63] Council of Elvira (305), canon 50, Mansi, *loc. cit.* cf. canons 38, 39; Council of Laodicea (about 370), canon 29, Mansi, Tom. II, col. 569; Council of Vannes (464), canon 12, Mansi, Tom. VII, col. 954; Council of Agde (506), canon 40, Mansi, Tom. VIII, col. 331; Council of Epaon (517), canon 15, Mansi, Tom. VIII, col. 561; Council of Arles (538), canon 13, Mansi, Tom. IX, col. 15.

ing of unleavened bread from the Jews, for that was considered as sharing in their impiety.[64]

Some clerics, too, were guilty of religious communication with the Jews. To meet this scandalous situation a law provided for the deposition of the guilty ones.[65]

The Church in forbidding communication in general with heretics has done so to secure her children from the danger of contagion from heretical teaching.[66] Regarding communication with heretics in religious matters, canons of the Council of Laodicea (about 370) prohibited the faithful to accept the eulogies or blessings of heretics, to join in common prayer with them, and to visit the shrines of the martyrs of heretics for the purpose of prayer. Common prayer with schismatics was forbidden, too.[67] The Ecumenical Council of Calcedon (451) enacted that the children of marriages between chanters or lectors and heretical women were not to be baptized in any heretical sect.[68] The Fourth Council of Carthage (398) forbade praying and reciting psalms with heretics.[69] The Apostolic Constitutions, a document of the end of the fourth century (380), ordained a penalty for the cleric or the layman who would enter a church of heretics to pray.[70] Canon 44 of the Canons of the Apostles forbade a bishop, priest, or deacon to pray with heretics, or to permit them to act as ministers, under the penalty of deposition.[71] The Council of Lerida (523) prescribed the rejection of the offering of one who had presented his children to an heretic for baptism.[72]

Article II. Early Ages to Martin V

During the Middle Ages the legislation of the Church was gathered into one body of laws. The compilation of Gratian, made with papal

[64] Council of Laodicea (about 370), canon 38, Mansi, Tom. II, col. 572.

[65] *Canones Apostolorum*, canon 63, Mansi, Tom. I, col. 42.

[66] Phillips, *Kirchenrecht*, II Band, II Abtheil., § 102, pp. 446-447.

[67] Canons 32, 34, 33, Mansi, Tom. II, col. 569; can. 9, col. 565.

[68] Canon 14, *Acta Conciliorum Oecumenicorum*, ed. Schwartz, Tom. II, Vol. I, Pars II, p. 161.

[69] Canon 72, Mansi, Tom. III, col. 957.

[70] Canon 65, Liber VIII, Funk, *Didascalia et Constitutiones Apostolorum*, Tom. I, pp. 584-585.

[71] *Canones Apostolorum*, Mansi, Tom. I, col. 39.

[72] Canon 13, Mansi, Tom. VIII, col. 614.

authority and approval, raised some of the former legislation on religious communication to the status of common law. For example, canon 72 of the Fourth Council of Carthage was placed in his collection.[73] The same strictness regarding communication with Jews was retained.[74] Because the dangers from heretics were becoming greater, more severe penalties were enacted for those guilty of aiding heresy. Those believing heresy were excommunicated.[75] One could express his belief in heresy implicitly, merely by a deed or an external sign, for example, by calling an heretical priest in time of sickness for the purpose of seeking consolation from the imposition of his hands.[76]

The authors of this period do not treat religious communication with non-Catholics precisely as such. Their concern in this regard is centered about the prohibition to communicate with the excommunicated on the one hand, and with infidels on the other. The former prohibition included both heretics and schismatics, for they have received the penalty of excommunication for centuries. Originally all persons under major excommunication were to be avoided by the faithful, not only in religious matters, but also in the civil associations of daily life.[77] Heretics were placed under this severe excommunication from the first centuries of the Church, and the word *anathema* was used to designate the entire separation from the Church which it involved.[78] This major penalty was kept through the succeeding centuries.[79] Schismatics, too, have received this same excommunication. This penalty was imposed even upon pure schismatics, namely, those who professed no heresy.[80]

The obligation to avoid heretics and schismatics by reason of their excommunication held under penalty of incurring a minor

[73] c. 35, C. XXIV, q. 3. Cf. c. 26, C. XXIV, q. 1; c. 2, *de Haereticis*, V, *in Sexto*.

[74] c. 11, 12, 13, 14, C. XXVIII, q. 1.

[75] c. 13, X, *de Haereticis*, V, q. 7.

[76] Reiffenstuel, *Jus Canonicum Universum*, Tom. V, Tit. VII, § V, n. 248, p. 272.

[77] Hyland, *Excommunication, Its Nature, Historical Development, and Effects*, p. 35.

[78] Mackenzie, *The Delict of Heresy*, p. 7.

[79] Mackenzie, *op. cit.*, pp. 9-14.

[80] Phillips, *op. cit.*, II Band, II Abtheil., p. 450, note 51. Cf. c. 43, C. XXIII, q. 5; c. 5, Dist. XIX.

excommunication, that is, a deprivation of the sacraments. Association with those under major excommunication was so abhorred by the Church in the Middle Ages that practically all manner of communication even in civil affairs was excluded.[81] Although this angle of the question received the attention of the authors, St. Thomas teaches that communication with heretics is wrong, not only by reason of their excommunication, but also by reason of their heresy, because of the danger of perversion, because of the possible appearance of assenting to their doctrine, and because familiarity may be the occasion for another to fall into error.[82] What the Angelic Doctor says here of communication in general with heretics is especially true of religious communication.

The prohibition to communicate with infidels, even in some civil matters, was a precautionary measure to prevent religious association with them and perversion from the faith. This solicitude was especially necessary regarding the Jews.[83] St. Thomas explains this prohibition by showing that the danger of perversion is relative to the convictions and strength of the individual Catholic.[84]

Article III. Martin V to the Present Time

Occasion for development in the theology of religious communication with non-Catholics was given in the year 1418. In that year Martin V issued the memorable Constitution *Ad Evitanda* which introduced a distinction among those under the penalty of major excommunication, declaring, in effect, some to be *vitandi*, and others *tolerati*. The previous discipline continued to apply to the *vitandi* only. The faithful, however, were permitted to communicate with the *tolerati* in both civil and religious matters.[85] This change was

[81] Hyland, *op. cit.*, pp. 31-40.

[82] *Quodlibet* X, q. 7, a. XV in corp.

[83] c. 2, 5, 8, X, *de Judaeis, Sarracensis*, etc., V, q. 6.

[84] II-II, q. 10, a. 9. Cf. *In Epistolam I Ad Corinthios*, Cap. V, Lectio III, in fine.

[85] Ad evitanda scandala et multa pericula, subveniendumque conscientiis timoratis, omnibus Christi fidelibus tenore praesentium misericorditer indulgemus, quod nemo deinceps a communione alicuius in sacramentorum administratione, vel receptione, aut aliis quibuscumque divinis, vel extra; praetextu cuiuscumque sententiae aut censurae ecclesiasticae (aliter: seu suspensionis aut prohibitionis),

made as a benefit to the faithful. The former strictness had been a source of much uncertainty and anxiety for them, because they did not always know whether or not they had been exposed to incurring an excommunication. Sometimes when they did know, they could not always avoid it.[86] This Constitution was given in its original grant to the German people as part of a Concordat, which was to hold for five years. The intention of the Pope, however, regarding the Constitution was that it should remain in force perpetually and apply to all Christendom. It was widely diffused separately from the Concordat, and for that reason many looked upon it as a special Bull.[87] Obviously this is a matter of merely ecclesiastical concession, and is in no way meant to dispense, or derogate, from the divine law.

By virtue of this Constitution most heretics and schismatics were in the class of the *tolerati*. Greater freedom could be enjoyed in communicating with them. This factor together with the spread of heresy in Europe and England, and the conditions in mission lands and in the parts of the world where the Oriental Orthodox Churches flourished, necessitated a consideration of what was allowed, and what was not allowed, in the matter of religious communication with non-Catholics. The theologians responded to this necessity by enunciating the principles involved, and by giving the solutions for various cases. As it usually happens, time and circumstances gradually introduced changes of opinion on the lawfulness of certain particular points as will be seen later. Frequently the Holy See, through the Congregations of the Holy Office and the Propagation of the Faith,

a jure vel ab homine generaliter promulgatae, teneatur abstinere, vel aliquem vitare, ac interdictum ecclesiasticum observare. Nisi sententia vel censura huiusmodi fuerit in vel contra personam, collegium, universitatem, ecclesiam, communitatem, aut locum certum, vel certa, a judice publicata vel denunciata specialiter et expresse: Constitutionibus Apostolicis et aliis in contrarium facientibus non obstantibus quibuscumque: salvo, si quem pro sacrilegio et manuum iniectione in clerum, sententiam latam a canone adeo notorie constiterit incidisse, quod factum non possit aliqua tergiversatione celari, nec aliquo juris suffragio excusari. Nam a communione illius, licet denunciatus non fuerit, volumus abstineri, iuxta canonicas sanctiones.—*Fontes Juris Canonici*, Vol. I, n. 45.

[86] Mackenzie, *op. cit.*, p. 12.

[87] Hefele-Leclercq, *Histoire des Conciles*, Tom. VII, Part. I, p. 540, note 2.

has expressed itself on these matters, sometimes in general instructions, sometimes in reply to doubts submitted. Some of the Popes, too, have spoken on the subject.

Hinschius,[88] a non-Catholic, places the year 1700 as about the time when wider applications in matters of religious communication began to be allowed by theologians and canonists. He mentions praying with heretics, visiting non-Catholic churches, hearing non-Catholic sermons, acting as sponsor at an heretical baptism, and the reception of sacraments from heretical ministers in certain circumstances, as allowed. In any of these types of communication, however, there could be no support of heresy, nor any appearance of a participation in heretical rites. This author notes that the attitude of the Church from the beginning has been not to favor communication in general with heretics, even independently of the penalty of excommunication.[89]

Pope Benedict XIV lamented the conditions of his times. For, despite the teaching of Holy Scripture on associations with heretics, and the legislation of the Church, Catholics were under the hard necessity of conversing with heretics, and of dealing familiarly with them, in many places where heresy dominated or flourished. While asserting that the Constitution of Martin V is still in force, he says, nevertheless, that Catholics are not allowed to communicate with heretics and schismatics indiscriminately in sacred matters. He then cites the opinion of some authors to the effect that Catholics could communicate in religious matters with, and even receive the sacraments from, tolerated heretics and schismatics when the following conditions were verified: (1) a most grave and urgent cause compels the Catholic to do so; (2) the heretics or schismatics, who are to administer the sacraments, are validly ordained, and use the Catholic rite, without any admixture of a condemned rite; (3) no external profession of false doctrine is involved; (4) no scandal is given. But, he observes, not all theologians agree with this opinion, nor do they consider it safe in practice, since it can hardly happen that all the conditions will be verified at one and the same time, as is necessary.

[88] *Das Kirchenrecht der Katholiken und Protestanten in Deutschland*, Vol. V, n. 307, pp. 684-685.

[89] *Loc. cit.*, p. 685.

Because of this latter fact, the conclusion of the pontiff is that such religious communication will rarely be free from fault.[90] In support of his stand he appeals to the instructions and decisions given by the Sacred Congregations and confirmed with his papal authority.[91] Evidently his teaching refers to active communication, for this same judgment is not applicable to all types of religious communication as will be seen in a later chapter.

The theologians and canonists made their wider applications on this matter for places where Catholics live intermingled with non-Catholics, those of the sixteenth, seventeenth, and eighteenth centuries mentioning England and Germany particularly. Benedict XIV cites a ruling given by Paul V for the Catholics in England.[92] The occasion for this papal action shows us one instance of a difficulty regarding religious communication which arose in that country. By the laws of Queen Elizabeth her Catholic subjects were obliged, under grave penalties, to enter the non-Catholic churches, and to be present at the religious services, as a sign of support of a false religion.[93] The theologians differed as to whether or not the laws could be obeyed, even only materially, to escape the penalties.[94] Paul V gave a decision in 1606, saying the Catholics were not allowed to obey such laws,[95] and the language he used indicated they would be guilty of mortal sin if they did obey them.[96] Some theologians,

[90] *De Synodo Diocesana*, Lib. VI, Cap. V, n. 2, *Opera Omnia*, Tom. XI, pp. 158-159. Cf. Sylvius, *Commentaria in Tertiam Partem S. Thomae Aquinatis*, Tom. IV, q. 64, art. 6, q. 3, concl. 3, p. 172; De Lugo, *De Virtute Fidei Divinae*, Disp., 22, Sect. 1, n. 11, *Disputationes Scholasticae et Morales*, Tom. II, p. 86.

[91] *De Synodo Diocesana, loc. cit.*

[92] *Loc. cit.*

[93] 1, Eliz., Cap. II; 23, Eliz. Cap. I, Prothero, *Select Statutes and other Constitutional Documents illustrative of the reigns of Elizabeth and James I*, pp. 17, 75-76. Cf. 3 and 4, Jac. I, Cap. IV, Cap. V, pp. 256, 257-262, 264-268.

[94] Cf. De Lugo, *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § VI, n. 174, *op. cit.*, Tom. I, pp. 562-564; Sanchez, *Opus Morale in Praecepta Decalogi*, Tom. I, Lib. II, Cap. IV, n. 27, pp. 97-98; Bonacina, *Operum de Morali Theologia*, Tom. II, Disp. III, Quaest. II, Punct. III, n. 22, p. 153; Laymann, *Theologia Moralis*, Lib. II, Tract. I, Cap. XI, n. 6, p. 153.

[95] Cited by Suarez, *Defensio Fidei*, Lib. VI, Cap. IX, n. 16, *Opera Omnia*, Tom. XXIV, p. 707.

[96] Suarez, *loc. cit.*

however, tried to evade this ruling, and the Pope had to issue a similar one in the following year.[97] As a result the milder view came to be held as no longer probable.[98]

A few years later the circumstances in parts of Germany provided an occasion for Catholics to enter into religious communication with Lutherans. In the Peace of Westphalia, 1648, it was provided that the religious status of the different sections of the country as of the year 1624 was to prevail, so that those in the hands of Catholics were to be Catholic, and those in the control of Lutherans, Lutheran. From this arrangement there devolved a territorial right of the pastors. All the inhabitants of a parish, although of a different religious confession, were subject to the pastor; they were bound to him regarding baptism, marriage, and burial, although they lived according to their own faith, and could have their own chaplain and church for the exercise of their religion.[99]

An Instruction to the missionaries in the Orient issued by the Congregation for the Propagation of the Faith, in 1729, reveals a source of difficulties about religious communication. Previously, the missionaries had been instructed to abstain from acts expressive of a false sect, as well as from communication in a schismatic or heretical rite, and if any grave doubt occurred they were to consult learned theologians and missionaries, who were familiar with conditions in the place. Some, however, took upon themselves the task of solving cases, and even published general practical rules, which complicated matters all the more, with harm to consciences and scandal. Therefore, for the future, each missionary was commanded to obey the prescriptions of the Holy See.[100] Besides confirming the solicitude of the Church on matters connected with religious communication with non-Catholics, this Instructions reveals the tendency of individuals to reach different conclusions on more detailed, and more obscure points.

It is to be admitted that some theologians have been liberal in

[97] Salmanticenses, *Cursus Theologiae Moralis*, Tom. V, Tract. XXI, Cap. II, Punct. XI. n. 124, pp. 92-93.

[98] Salmanticenses, *loc. cit.*; De Lugo, *loc. cit.*; Suarez, *loc. cit.*

[99] Nottarp, "Zur Communicatio in Sacris cum Haereticis," in *Schriften der Königsburger Gelehrten Gesellschaft*, 9 Jahr, Geistes-Classe, Heft 4, 1933, p. 56.

[100] *Coll. S.C.P.F.*, Vol. I, n. 311, pp. 99-100.

applying the Constitution *Ad Evitanda*. They did so, however, only in so far as they considered a matter of purely ecclesiastical law was involved. All took care not to allow any violation of the divine law. De Lugo, writing in reference to the reception of sacraments from heretics, says that the Constitution moderates the prohibition to communicate with heretics, only as a prohibition of human law.[101] Suarez,[102] Toletus,[103] and Malderus[104] also insist that the divine law must be preserved in this communication. Kenrick makes this general observation:

> It is not allowed to communicate *in divinis* with heretics or schismatics; for although some theologians, interpreting the Constitution of Martin V generously, taught it was licit at times, all admit it is wrong whenever it carries with it the profession of a false dogma, or the recognition of a usurped office: which generally happens.[105]

Two more instances, which show solicitude to prevent religious communication with non-Catholics, may be mentioned. Towards the end of the eighteenth century Pope Pius VI besought the Catholics in France to be faithful to their religion. His action was occasioned by the facts that some of the clergy had taken the oath of allegiance demanded by the Revolutionary government, and that many who were not priests had been placed in pastoral offices. He exhorted and warned the faithful "to avoid all usurpers, whether they were called archbishops, bishops, or pastors, in such a way as to have nothing in common with them, especially in sacred matters."[106] The second

[101] *De Virtute Fidei Divinae*, Disp. XXII, Sect. I, n. 3, *op. cit.*, Tom. II, p. 83.

[102] *De Fide, Spe, et Charitate*, Disp. XXI, Sect. I, n. 4, *Opera Omnia*, Tom. XII, pp. 532-533.

[103] *Enarratio in Summam Theologiae S. Thomae Aquinatis*, Tom. II, Quaest. X, *De Infid.*, Art. VIII, p. 111.

[104] *De Virtutibus Theologicis, et Justitia, et Religione Commentaria ad Secundam Secundae D. Thomae*, Quaest. III, art. 2, Memb. II, p. 102, seq.

[105] *Theologia Moralis*, Tom. II, Tract. XXII, *De Censuris*, n. 61, p. 366, (author's trans.).

[106] Brief, *Charitas*, April 13, 1791, *Bullarii Romani Continuatio Summorum Pontificum*, Tom. VI, Pars III, p. 2332, (author's trans.). Cf. Brief, *Queste nuove lettere*, March 19, 1792, *ob. cit.*, p. 2486.

instance happened in Rome. In 1875 the Cardinal Vicar forbade anyone to enter the churches of Protestants while conferences were being held, and declared that a person sinned gravely, who listened to the conferences of heretics, or assisted, even only materially, at non-Catholic ceremonies, even out of mere curiosity.[107]

The attitude of the Church today on this matter, as expressed in Canon Law, is found in canon 1258, § 1 and § 2:

> § 1. It is unlawful for Catholics to assist actively in any way at, or to take part in, the religious services of non-Catholics.
>
> § 2. A passive or merely material presence at funerals and weddings and similar solemnities of non-Catholics may be tolerated for the sake of civil duty or honor, because of a grave reason, to be approved by the Bishop in a doubtful case, provided there is no danger of perversion or scandal present.[108]

Moreover, this law has penal sanctions. Canon 2316 declares that anyone who violates this canon is suspect of heresy. Catholics who contract marriage before a non-Catholic minister as such, contrary to the prescriptions of canon 1063, § 1, incur an excommunication reserved to the Ordinary.[109] A similar excommunication is incurred by those who knowingly presume to offer their children to be baptized by non-Catholic ministers.[110]

[107] *ASS*, Vol. XI, pp. 174-175.

[108] § 1. Haud licitum est fidelibus quovis modo active assistere seu partem habere in sacris acatholicorum.

§ 2. Tolerari potest praesentia passiva seu mere materialis, civilis officii vel honoris causa, ob gravem rationem ab Episcopo in casu dubii probandam, in acatholicorum funeribus, nuptiis similibusque solemniis, dummodo perversionis et scandali periculum absit.

[109] Canon 2319, § 1, 1°.

[110] Canon 2319, § 1, 3°.

CHAPTER III

THE MORALITY OF COMMUNICATION IN RELIGIOUS WORSHIP WITH NON-CATHOLICS

Article I. General Principles on Morality

In discussing the morality of religious communication with non-Catholics our concern is to determine what is sinful in it, and what are the reasons underlying that sinfulness. This is to be an objective consideration. In other words, the determination of the moral badness of this matter is made on what it is in itself, not on the subjective attitude of the individual. For it is conceivable that a person could communicate formally in non-Catholic worship without realizing that his communication was objectively sinful.

Moral evil in an human act is the result of the non-conformity of that act with the norms of morality. This non-conformity can arise from three sources: the moral object, the intention, and the moral circumstances.

An human act derives its primary and essential morality from its moral object, namely, that with which it is primarily concerned as related to the norms of right and wrong. The moral object is intrinsically bad, when it is in direct opposition to the natural law; it is intrinsically bad, when it is not in harmony with positive law. Intrinsic moral badness can be absolute and immutable, or conditional and mutable: absolute, when it is contrary to the order of things metaphysically necessary and immutable, for example, hatred of God; conditional, when it is contrary *per se* to an order of things hypothetically necessary and existing, for example, appropriating the property of another person. This can be changed *per accidens* in certain circumstances, so that, for example, the taking of another's property can become licit at times.[1]

Intention and circumstances, as conformed or not conformed to

[1] Aertnys-Damen, *Theologia Moralis*, Tom. I, n. 53, p. 49. Cf. I-II, q. 18, a. 2 and a. 5.

the norms of morality, are secondary and accidental sources of morality. Intention can introduce a relationship to the norms of morality distinct from that of the moral object. For example, another kind of malice is added to stealing when one steals in order to become drunk.[2] The circumstances of an human act as related to the norms of right and wrong are accidental to the morality of that act as derived from the moral object, but they must be considered in judging the full morality of an action, since, as in physical things the fullness of their physical being embraces both the substance and the accidents, in moral matters the fullness of morality includes the relationship of both the object and the circumstances of an action to the norms of morality. Thus the circumstance of place adds a special malice when a person commits an external act of impurity in a holy place.

Per accidens intention and moral circumstances can become the primary sources of the morality of an human act.[3] When an act is indifferent morally from both its object and its circumstances, the only source of the morality of that act will be the intention for which it is done. For a person in every human act must act with some intention, which must be either morally good or morally bad. An act, which is morally indifferent by reason of its object, can also become good or bad by reason of one or more of the moral circumstances. In that case the circumstances assume the character of moral objects, and become accidentally the primary sources of the goodness or badness of the individual act. Thus, although the playing of an organ is morally indifferent in itself, when it is done as a part of a non-Catholic religious service, it becomes bad by reason of the circumstances making it an active participation in the non-Catholic religious service.

Outside these cases moral circumstances in themselves have a varying effect on morality. Sometimes they become a kind of specific difference of the moral object, as in stealing a sacred object, when the primary species is given by the stealing, and the secondary

[2] Cf. Merkelbach, *Summa Theologiae Moralis*, Tom. I, n. 142, pp. 139-140. Cf. I-II, q. 18, a. 3 and a. 4.

[3] Aertnys-Damen, *op. cit.*, Tom. I, n. 54, p. 50. Cf. I-II, q. 18, a. 9 and a. 11.

species by the circumstance of its being sacred. Sometimes they modify the morality of the object within the same species, aggravating or diminishing it.[4]

The morality of an external effect of an human act must be born in mind in a consideration of the morality of religious communication with non-Catholics. An external effect is something resulting from an action, not intended in itself. It is either voluntary in its cause, or merely permitted. In the latter event the effect is merely external. *Per se*, for a person to incur responsibility for an evil external effect, three conditions must be verified: (1) he must foresee the effect, at least confusedly; (2) he must be able not to place the cause, or to remove it, if it is placed; (3) he must have an obligation not to place the cause, so that the effect may not follow; hence the effect must be bad, not necessarily only in itself, but by reason of an obligation to avoid it.[5] At times, however, a person does not incur moral responsibility for an evil external effect, even though, *per se*, he would be obliged to avoid it. This is true whenever: (1) the action placed is good, or at least indifferent, for the placing of a cause which is bad in itself necessarily includes fault; (2) the evil effect is not intended either as a means or as an end, otherwise the evil effect would be voluntary in itself, or at least willed; (3) the good effect follows at least equally immediately with the bad (in the order of causality, not of time),[6] for if the good effect follows mediately through the bad

[4] Cf. Merkelbach, *op. cit.*, Tom. I, nos. 151-152, pp. 145-147.

[5] Aertnys-Damen, *op. cit.*, Tom. I, n. 58. Quaer. 1°, p. 53. Cf. I-II, q. 73, a. 8; q. 77, a. 7; II-II, q. 64, a. 7 and a. 8; q. 79, a. 3, ad 3; q. 150, a. 4.

[6] Prümmer takes exception to the wording of this condition. He thinks that it is impossible, at least in practice, for a good effect to be equally immediate with a bad effect, because the immediate effect is the effect of the work, which is one, and not twofold. He prefers this way of expressing it: "The good effect must follow of itself and, as it were, necessarily from the action, but the bad effect only accidentally, that is, because of particular circumstances, which occur to the agent against his will." He says that the authors do not offer an example in which the good and bad effects are actually equally immediate, *Manuale Theologiae Moralis*, Tom. I, n. 58, pp. 46-47, (author's trans.). An example is given by Noldin-Schmitt in which two effects proceed equally immediately from a cause: the case of a surgeon amputating an arm, an action which causes both health and pain, because the cause is determined to produce these effects by its nature, *Summa Theologiae Moralis*, Vol. I, n. 83, p. 91.

effect, the latter is necessarily intended directly and in itself as a means; (4) a proportionately grave reason for placing the cause is present, that is, the good effect exceeds, or at least equals, the bad effect, because it is unreasonable to procure a good by an action from which a greater evil follows. Obviously this supposes that the good effect cannot be suitably obtained in another way, in which case there would be no justification for adducing the bad effect.[7]

A corollary of this obligation to avoid the moral imputability of an evil external effect is the obligation not to expose one's self voluntarily to the danger of sinning. It is illicit to expose one's self to this danger without a sufficient reason. For, if a person wills to put himself in an occasion of sin without a sufficient reason, he shows that he is not using the necessary means of avoiding sin. Whatever danger of sinning he wills only materially (without foreseeing it), precludes the guilt of formal sin. The obligation to avoid sin requires one to avoid the means which probably lead to it. Therefore, the obligation to avoid the proximate danger of committing a grave sin is grave *per se*, while the obligation to avoid the proximate danger of committing a venial sin is light. A proportionately grave and just reason can justify a person exposing himself to a proximate danger of grave sin. This is to be understood, however, with the provision that there is hope of overcoming the evil, and this must be made morally sure by taking suitable precautions to make a proximate danger remote. It is venially wrong to expose one's self to the remote danger of committing a grave sin without some reason. Any reasonable cause, however, will make it licit. For, it is unreasonable to place an action without any reason, with which there is joined some danger of sinning.[8]

In connection with the morality of religious communication it must be remembered that one and the same action can have a multiple badness. In other words, one and the same action can include as many sins as there are total moral objects not in harmony with the norms of morality. St. Alphonsus holds this as the more common

[7] Cf. Aertnys-Damen, *loc. cit.*, Quaer. 3°, pp. 54-55; Merkelbach, *op. cit.*, Tom. I, n. 173, pp. 165-166.

[8] Cf. Merkelbach, *op. cit.*, Tom. I, n. 177, pp. 169-170, Tom. III, nos. 664-665, pp. 631-634; Aertnys-Damen, *op. cit.*, Tom. II, n. 473, IV, p. 326.

opinion. He teaches: (1) an act regarding several numerically distinct objects from the moral standpoint is morally speaking equivalent to several acts; (2) the same act can include several malices not only specifically distinct, but also numerically so, as when a married man has sexual relations with a married woman. Although the physical act is one, it can well be multiple morally, when that act is equivalent to many by reason of distinct objects in the moral order, as in the example given, which involves two sins of injustice.[9]

Leaving aside the speculative discussion on what is the source of the specific distinction of sins, which can be found in most manuals of Moral Theology, in this treatise the specific distinction of sins is considered to arise from a double root according to the virtues, namely, (1) from opposition to different virtues, and (2) from a diverse opposition to the same virtue, which can happen by excess or defect, and by opposition to different duties of the same virtue. The virtue of religion provides a good example of the latter opposition. It forbids idolatry, and the use of a superfluous and a false cult of God, in so far as it prohibits both giving the cult which is due to God to a creature, and honoring God with a vicious cult.[10]

With these moral principles in mind, we shall now enter upon the consideration of the morality of communicating with non-Catholics in their religious worship. The possibility of a multiple morality in a single human act will find actualization in this complex moral question. The principles on the permission of an evil external effect will have to be used in the discussion of material communication. We shall consider formal communication first.

Article II. The Morality of Formal Communication

A. In Public Non-Catholic Worship

There is a multiple morality in every act of formal communication in public non-Catholic worship. First, the virtue of faith is violated. This virtue obliges all Catholics, negatively, never to deny their faith. As a negative obligation it necessarily binds always and

[9] St. Alphonsus, *Theologia Moralis*, Lib. V, n. 45, ed. Gaudé, Tom. II, pp. 741-742. Cf. St. Thomas, *II Sent.*, Dist. 42, q. 1, a. 1, corp.

[10] Cf. Aertnys-Damen, *op. cit.*, Tom. I, nos. 222-223, p. 174.

in every case (*semper et ad semper*). The prohibition to deny the faith is of the divine law, as is evident from Holy Scripture. Our Lord said:

> Everyone who acknowledges Me before men, I also will acknowledge him before My Father in heaven. But whoever disowns Me before men, I in turn will disown him before My Father in heaven.[11]
>
> For whoever is ashamed of Me and My words, of him the Son of Man will be ashamed when He comes in His glory and that of the Father and of the holy angels.[12]

St. Paul said to the Romans: "For with the heart a man believes unto justice, and with the mouth profession of faith is made unto salvation."[13] The obligation not to deny faith is confirmed by the conduct of the Machabees, who suffered death rather than do so. If this was necessary in the Old Law, it is all the more so in the New Law. Hence, the denial of the faith is wrong, not because there is a special prohibition in the New Law, but rather because it is by its very nature forbidden, supposing the truth of the faith;[14] it is intrinsically wrong. The denial of the faith is a sin against faith, because the external confession of the faith being an acknowledgment of the truth revealed by God, is based on the formal object of faith, the authority of God revealing. Therefore, there is a proper, special, and distinct goodness in confessing the faith arising from the virtue of faith. Consequently a denial of the faith is properly against the virtue of faith.[15]

A denial of the faith may be effected either by word or by actions, either explicitly or implicitly.[16] In general, it can be said that actions are signs which are ordinarily used to express our mind, and, therefore, can be used to signify a denial of the faith. Since, however, actions are signs, which are not so expressive as words, there can be

[11] *Matthew* 10/32-33.

[12] *Luke* 9/26.

[13] *Romans* 10/10.

[14] Suarez, *De Fide*, Disp. XIV, Sect. I, n. 2, *Opera Omnia*, Tom. XII, p. 382. Cf. St. Alphonsus, *op. cit.*, Lib. II, n. 12, ed. Gaudé, Tom. I, p. 306.

[15] Suarez, *loc. cit.*, n. 7, p. 383.

[16] Suarez, *loc. cit.*, n. 8, p. 383; Aertnys-Damen, *op. cit.*, Tom. I, n. 312, III, p. 235; Merkelbach, *op. cit.*, Tom. I, n. 712, pp. 553-354; and others.

greater difficulty and obscurity when they are used. Certain actions are ordained primarily and in themselves, both by their nature and by usage, to the support of the body, or some other similar utility, but sometimes because of the circumstances and of the manner in which they are used, they are ordained to the practice, or exercise, of religion, as the use of certain foods in such a way as to constitute fasting. Other actions are ordained solely to signify religious cult, either by their nature, or by their institution and use, as to genuflect, strike the breast, offer incense, and so forth.[17] The use of actions of either kind, even only materially by way of simulation, when they constitute an act of false worship, is an implicit denial of the faith,[18] and a formal communication in that worship. For when a person exercises an act of a false religion, by that fact he implicitly affirms that he is a believer in that religion, because the signification of such acts is that of a false cult; such acts in the particular instance have no other moral use. Since this signification is inseparably connected with them, they may not be used, even only fictitiously or materially, or even for a good purpose, because a bad action can never be done as a means to attain a good. Laymann, in defending the doctrine that the simulation of a false religion is contrary to the virtue of faith, uses an analogy with the virtue of veracity: veracity obliges us positively to speak the truth sincerely and frankly when necessity or circumstances require, and negatively never to lie or to simulate the contrary falsehood by word or deed; so the virtue of faith obliges us more strictly and gravely both positively and negatively,—negatively that we never profess or simulate the falsity opposed to faith.[19] The Salmanticenses say that material simulation can never be licit in

[17] Suarez, *loc. cit.*, Sect. IV, n. 2, p. 391. Cf. Salmanticenses, *Cursus Theologiae Moralis*, Tom. V, Tract. XXI, Cap. II, n. 103, p. 89; Salmanticenses, *Cursus Theologicus*, Tom. XI, Tract. XVII, *De Fide*, Disp. VII, Dub. I, n. 32, p. 361; Sporer, *Theologiae Moralis Super Decalogum*, Tom. I, Tract. II, *in I Praecepto Decalogi*, Cap. II, Assert. V, § IV, II, p. 170; Busembaum, in La Croix, *Theologia Moralis*, Tom. I, Lib. II, Tract. I, Cap. III, n. 54, XI, p. 169.

[18] Suarez, *loc. cit.*, n. 4, p. 392; I-II, q. 3, a. 2; De Valentia, *Commentarii Theologici in totam Summam S. Thomae Aq.*, Disp. I, Tom. III, Qu. 3, Punct. II, Dub. 4, p. 412; Merkelbach, *loc. cit.*; Aertnys-Damen, *loc. cit.*

[19] *Theologia Moralis*, Lib. II, Tract. I, Cap. XI, n. 3, p. 152. He says this doctrine on the simulation of a false religion is common teaching.

matters that signify a false belief, and the intention of the agent can never rectify the signification; therefore, since the simulation of a false religion always signifies something false, it can never be exempted from formal simulation.[20]

Adrian is quoted as holding that a material use of signs of this kind could be made in certain proportionately grave circumstances.[21] He bases his opinion, first, on passages from St. Jerome where it is said that the Apostles at times tacitly observed the ceremonies of the Old Law, which were dead and deadly [22] from the moment of Christ's death, because they did so, not with an intention of cult, but through a prudent simulation.[23] Secondly, he adduces the example of Naaman and Eliseus from the Old Testament. He claims that Naaman, a Gentile convert to the true God, asked Eliseus for permission to be allowed to enter the temple of the idols with the king to genuflect, or adore, fictitiously. The prophet told him to go in peace.[24] Thirdly, he argues that material simulation, which can be had in this case, is sometimes licit. Material simulation is present if the person does not intend to signify what is false, nor to deceive another, but intends to perform the action as a useful means to another good purpose, permitting the deception of another.

These arguments can be refuted. Regarding the first, the Apostles never simulated the use of ceremonies prohibited by law. In the brief period of time in which they observed some of the Jewish ceremonies, these were not deadly, although they were dead. The opinion of St. Augustine, of many later writers, and of practically all scholastic theologians is that the ceremonial precepts of the Old Law were not deadly from the beginning of the New Law, but became deadly

[20] *Cursus Theologiae Moralis, loc. cit.*

[21] *IV Sent., De Baptismo*, Qu. I, a. 1, ad 5.

[22] "Dead" means the obligation to use the ceremonies had been taken away; "deadly" means their use was forbidden, so as to bring on the death of the soul, if use was made of them, Suarez, *De Legibus*, Lib. IX, Cap. XIV, n. 1, *Opera Omnia*, Tom. VI, p. 501.

[23] *Commentarium in Epistolam ad Galatas*, Lib. I, Cap. II, vers. 3 seq. *PL*, Tom. XXVI, cols. 333-341; *Epistola CXII, ad Augustinum*, nos. 4-18, *CSEL*, Vol. LV, pp. 370-388.

[24] *IV Kings* 5/18-19.

after a period of time.[25] Therefore, they could licitly observe them with a true intention of honoring God, which could be done without simulation, but not by placing in them the hope of salvation. In the incident from Holy Scripture, Naaman did not ask for permission to simulate the adoration of an idol, but only to accompany the king into the temple in order to fulfill his duties as a servant. This constituted merely a ministry of civil duty, and was not a participation, even simulated, in a sacred ceremony. In response to the argument from reason, it can be said that material simulation cannot be had in the case, because the primary signification of actions of this kind cannot be removed by a good intention on the part of the person placing them.[26]

This judgment applies, then, to actions which have a religious signification by their very nature, or by institution, or by usage, in the circumstances in which they are employed. For example, to put incense on a fire is an indifferent action in itself. But when it is put on a fire in a way instituted for religious cult, that signification is inseparable, morally speaking, from the action. It is to be noted, however, that institutions and usages can change in the common estimation of the people. Things, which at one time had an inseparable signification of religious cult, can lose that signification, and come to be looked upon as acts of mere etiquette, or civil courtesy. After the rise and spread of Protestantism, in places where Catholics and heretics formed a mixed community, certain things, while connected with religious matters, were recognized as not signifying a false sect either in themselves or in their circumstances. Some of these matters were indifferent in themselves, as the mere entering of churches. Others were matters which in some localities were regarded as significative of false worship, while in places where Catholics lived intermixed with heretics, they were not held in this signification; an example was the acting as sponsor at the heretical baptism of a child of heretics.[27] In this case, however, the attitude was due

[25] Cf. Suarez, *op. cit.*, Cap. XVII, n. 18, pp. 517-518.

[26] Suarez, *De Fide*, Disp. XIV, Sect. IV, nos. 2-9, *op. cit.*, Tom. XII, pp. 391-394.

[27] Sporer, *op. cit.*, Tom. I, Tract. II, *in I Praecepto Decalogi*, Cap. II, Assert. V, § IV, II, p. 170; Busembaum, in La Croix, *op. cit.*, Tom. I, Lib. II, Tract. I, Cap. III, n. 54, XI, p. 169.

to an erroneous notion, since it is something that is never objectively lawful. Further examples of this change of attitude are to be found in two Instructions issued in recent years by the Congregation for the Propagation of the Faith.[28]

> The Ordinaries can permit the faithful to become participators in all those ceremonies, which, although they originated from superstition, now from the circumstances of places and persons, and from the common estimation, retain only a meaning of urbanity and mutual benevolence.[29]
>
> It is evident that some ceremonies in the lands of Orientals, although formerly connected with pagan rites, now, by reason of a change of custom and attitude in the course of centuries, have only a civil signification of piety towards ancestors, or of love of country, or of urbanity towards the neighbor.[30]

This principle on the intrinsic unlawfulness of formal communication, or active participation, as constituting at least an implicit denial of the faith always holds. Such participation is intrinsically and gravely wrong, for (1) if the worship is non-Catholic in its form (for example, Mohammedan ablutions, a Jewish paschal meal, the right hand of fellowship), it expresses a belief in the false creed symbolized; (2) if the worship is Catholic in form, but is under the auspices of a non-Catholic body (for example, Baptism by a Protestant minister, Mass by a schismatic priest), it expresses either faith in a false religious body, or rebellion against the true Church.[31]

This might seem to admit of exceptions in the matter of the sacraments, which are possessed not only by the churches in union with Rome but also by Eastern Schismatic Churches, and, in some rare instances, by isolated schismatic groups and by an heretical sect to which a Catholic priest has gone over.[32] It must be emphasized, how-

[28] *Instructio ad Delegatum Apostolicum in Japonia, AAS,* Vol. XXVIII (1936), pp. 408-409; *Instructio Circa Quasdam Caeremonias et Juramentum Super Ritibus Sinensibus, AAS,* Vol. XXXII (1940), pp. 24-25.

[29] *AAS,* Vol. XXVIII (1936), *loc. cit.,* p. 409, (author's trans.).

[30] *AAS,* Vol. XXXII (1940), *loc. cit.,* p. 24, (author's trans.). Cf. Aertnys-Damen, *op. cit.,* Tom. I, n. 314, Quaer. 8°, for further instructions of *Propaganda.* These instructions appeared in *Osservatore Romano,* July 2, 1936, but never in *AAS.*

[31] McHugh-Callan, *Moral Theology,* Vol. I, n. 964, p. 376.

[32] There can be no question of sacred things instituted by the Church, as

ever, that ordinarily communication in the sacraments with such validly ordained, but heretical or schismatic ministers, even when a Catholic rite is used, involves a betrayal of the Catholic religion; it implies a recognition of the authority of the minister and of the sect.[33] Some sacraments may be received from validly ordained priests of a non-Catholic sect, but only in circumstances which eliminate him as functioning as a minister of a non-Catholic sect, and which remove any recognition of the sect. In such cases there is no exception to the principle which has been stated; the Church authorizes such ministers to act in her name in certain circumstances, thus removing any acknowledgment of an unauthorized minister and his religious body. To justify such communication in the sacraments there must be the extraordinary circumstance of extreme necessity, as well as the removal of any signification contrary to the faith, scandal, and danger of perversion. This will be treated in the next chapter. As a corollary it can be said that it is never lawful to have formal communication in a Mass of a minister of an unauthorized sect, who is validly ordained, unless he would be completing the Mass of a Catholic priest. This case, too, will be considered in the next chapter.

the sacramentals. For the Church can, and does, restrict the reception of them; she permits it only from her authorized ministers. Similar sacramentals found in non-Catholic sects are used by those sects as symbols of unity and harmony among the members of the sect, and imply a unity of belief and practice. Therefore, communication in them is contrary to the divine law as an approbation of an unauthorized religious sect and its errors. Cf. *Instructio S. C. S. Officii,* June 22, 1859, *Coll. S.C.P.F.,* Vol. I, n. 1176, p. 642.

[33] Merkelbach, *op. cit.,* Tom. I, n. 755, p. 584. Vermeersch, in harmony with the opinion regarding the reception of the sacraments from heretics and schismatics, mentioned in the last chapter, states that such participation is not illicit in itself. He says it will be illicit because of harm to one's self or to the neighbor. The evils to be feared are: the authority given to heresy or schism, and the spread of indifferentism. When these evils concern a number of people, this circumstance is to be considered in judging an excuse. He implies the prohibition of the Church is the reason why sacraments cannot be received from them outside a case of extreme necessity. This opinion, however, seems to consider the unauthorized ministers only as excommunicated individuals, and not as ministers representing a religious sect. Hence, we believe that a violation of the divine law is concerned in such communication when the minister is not representing the Church, because of the recognition of an unauthorized sect and minister. Cf. Vermeersch, *op. cit.,* Tom. II, n. 52, b), p. 45.

The Congregation for the Propagation of the Faith, in dealing with this matter of religious communication with heretics and schismatics of the Orient, mentions that there is scarcely any rite among them which is not tainted with some error in the matter of faith, for in their churches either there is dedication in memory of some schismatic, who is venerated as a saint, or feasts are celebrated of those who died in schism, or there is commemoration of living schismatic and heretical Patriarchs and Bishops, who are commended as preachers of the Catholic faith.[34]

Another sin against faith, which can enter into formal communication, is the danger of perversion in the faith for the party communicating.[35] One may be attracted by the worship, influenced by the sermons, or solicited by the non-Catholics to such a degree as to abandon the Catholic faith, and to go over to a non-Catholic sect. Because of every person's obligation to profess the Catholic faith, one who has it may not expose himself, without a grave cause, to the danger of losing it. This danger is not always present, especially when a person is strong in the faith; but those who are weak in the faith generally place themselves in a proximate danger of perversion.

The question might arise as to whether one who denies his faith externally only by formal communication in non-Catholic worship is a heretic. Heresy is defined as a voluntary and pertinacious error, or doubt, of a Christian concerning one, or more, truths, which must be believed by divine and Catholic faith. The error, or doubt, must be in the person's mind, not merely implied in his actions. Therefore, in our case the person would not be guilty of the sin of heresy. Canon 2316 declares him suspect of heresy.

Secondly, formal communication in the religious worship of non-Catholics includes a violation of the virtue of religion, as an act of idolatrous or superstitious cult, or a co-operation towards it.[36] Superstition is the cult of a false deity or an unlawful cult of the true God.[37] One form of cult of a false deity is idolatry, which consists

[34] *Instructio pro Missionariis Orientis*, 1729, *Coll. S.C.P.F.*, Vol. I, n. 311, p. 100.

[35] *Loc. cit.*, *Coll. S.C.P.F.*, p. 99.

[36] Suarez, *loc. cit.*, n. 5, p. 392.

[37] Aertnys-Damen, *op. cit.*, Tom. I, n. 416, p. 314.

in giving divine cult to creatures. For idolatry it suffices that divine honor be given externally to a creature by an external action. Idolatry, whether done with the intention of adoring, or only fictitiously, is a most grave sin against the divine majesty, since it gives the honor due to God to a creature. Fictitious idolatry is a pernicious lie against religion, and is opposed to the external profession of faith, as has been seen.[38] This species of sin will be committed when a person formally communicates in pagan or atheistic worship, or adores the eucharist of heretics, which is not really consecrated.

It is superstition, also, to honor the true God with a false cult. As such cult bases the exercise of religion on what is not true, it generally inflicts grave injury to the divine truth. This is the common teaching of theologians.[39] Whatever deviates from a virtue by excess or defect is a vice. This form of superstition deviates from the virtue of religion by excess, not because it gives more to divine cult than the true religion, but because it gives divine cult in a way which is not true. Therefore, this form of superstition is a vice.[40] St. Thomas says that the superstition in which a false cult is given to the true God, contains a lie; the lie is pernicious by its very nature, because it is in matters pertaining to the religion of God. This lie can happen in two ways, either on the part of the thing signified, from which the signification of the cult is in discord, or on the part of the person exercising the cult, and this especially in public cult, which is given by ministers in the person of the whole Church. He exercises a false cult who shows cult to God in a manner which is contrary to the manner established by the Church on divine authority, and customary in the Church.[41] An example of a lie on the part of the thing signified is the use of the Jewish rites of the Old Law; they were instituted as signs of future things, and their use implies their fulfillment has not taken place. The falsity on the part of the one worshiping consists in this that he offers in worship what neither Christ nor His Church wishes to be offered in their name. He falsely affirms

[38] Aertnys-Damen, *loc. cit.*, nos. 417-418, pp. 314-315.

[39] Aertnys-Damen, *loc. cit.*, n. 417, p. 314; St. Alphonsus, *op. cit.*, Lib. III, n. 3, ed. Gaudé, Tom. I, p. 370.

[40] II-II, q. 92, a. 1. Cf. Suarez, *De Religione*, Tract. III, Lib. II, Cap. II, n. 1, *Opera Omnia*, Tom. XIII, p. 473.

[41] II-II, q. 93, a. 1.

that another, in whose name he worships, offers in worship what he offers. Suarez says that it seems that a person, who pretends to be a priest and to offer sacrifice, lies in this way. There is falsity in the thing he signifies by the words he utters, for what he affirms to be truly the Body and Blood of Christ, is not; there is falsity, too, in acting as a minister of Christ, and as constituted to offer sacrifice in His name. This latter type of falsity can be found even in a true priest, who is not a member of the Catholic Church, and who, nevertheless, offers sacrifice in the name of the Church, and prays publicly in it.[42] Examples of both kinds of falsity on the part of the one worshiping are given by theologians as acts of false cult. It is an act of false cult for a lay person to attempt to celebrate Mass or to hear confessions, or for a priest to change the matter or the form in administering the sacraments.[43] Merkelbach expresses an example in a general way: a minister performing ceremonies, administering the sacraments, in a rite contrary to the will and ordination of the Church.[44]

Therefore, the ceremonial rites of the Jews, the sacrifices and the sacramental ministrations of those who act as if they were priests (which applies especially to Anglican ministers), the ministration of the sacraments by validly ordained ministers in a non-Catholic rite are acts of a superstitious cult of God. Furthermore, as a consequence of what was said in Chapter I, any public worship of the true God outside the Catholic Church constitutes a superstitious cult of God; no other Church is authorized to give true public cult to God. For a Catholic to communicate formally in such worship is a grave sin against the virtue of religion, as a false exercise of it. Since, in communicating formally, he unites himself with the act of false worship, he commits a sin of irreligion, at least by reason of his cooperation.

This brings us to a consideration of the violations of the virtue of charity contained in an act of formal communication in non-Catholic worship. The obligations of the virtue of charity, as negative, are violated when acts opposed to charity are placed. Acts of

[42] Suarez, *loc. cit.*, nos. 7 and 11, pp. 475-476.
[43] Aertnys-Damen, *loc. cit.*, Tom. I, n. 416, p. 314.
[44] *Op. cit.*, Tom. II, n. 772, b), p. 762.

spiritual beneficence towards ourselves and our neighbor are obligatory by the virtue of charity. Unjustifiable co-operation in the sin of the neighbor and scandal are violations of this obligation of spiritual beneficence.

Co-operation, in its more strict meaning, is physical or moral concurrence to the sinful action of another who is already determined to act.[45] Co-operation may be formal or material. Formal co-operation is that which concurs in the bad will of the other person, and this cannot be without sin.[46] Concurrence in the bad will of another can be had in two ways: (1) by reason of the purpose of the work (*finis operis*), when the very act by which co-operation is rendered is ordained to sin; in performing an action of this kind implicit consent is necessarily given to the sin; (2) by reason of the purpose of the person acting (*finis operantis*), when his precise intention is that the other execute his bad will, or that he do so more easily. In both cases the sin of the neighbor is willed, directly and in itself, by the co-operator.[47] In regard to the first way of concurring in the bad will of another, it is to be noted that there is an implicit intention of the sin of the principal agent not only when an action is placed which is always wrong by reason of its moral object, but also when an action is placed which is morally indifferent in itself, but which is necessarily wrong by reason of moral circumstances. In such a case the sinfulness is inseparable from the action. For example, playing the organ is morally indifferent in itself, but playing it during a non-Catholic religious service is morally wrong, because of the circumstances making it an active participation in the non-Catholic religious service. Again, the actions employed in serving Mass are morally indifferent in themselves, but to use them to serve the "Mass" of an Anglican minister is wrong, and necessarily includes grave sin.

Material co-operation is that which concurs toward the bad action of the neighbor, and not in his bad will. This type of co-operation

[45] Aertnys-Damen, *op. cit.*, Tom. I, n. 397, pp. 294-295.

[46] St. Alphonsus, *op. cit.*, Lib. II, n. 63, ed. Gaudé, Tom. I, p. 356.

[47] Aertnys-Damen, *loc. cit.*, n. 398, p. 295. Cf. Konings, *Theologia Moralis*, Vol. I, n. 303, pp. 136-137; Vermeersch, *op. cit.*, Tom. II, n. 129, pp. 105-106; Prümmer, *op. cit.*, Tom. I, n. 617, pp. 447-448.

is present when a person, without a bad intention, does something which is indifferent, and is not ordained by its nature to sin, but which the other person abuses for sinning. Hence, in material co-operation the sin of the other is never directly willed by the co-operator. It is either merely permitted, or voluntary in cause, according to whether or not there is a proportionate cause justifying the co-operation. Material co-operation is proximate or remote according as it conduces proximately or remotely to the execution of the sin.[48]

Formal co-operation in the sin of another is always intrinsically wrong. The reason is evident from its very nature, for it includes an affection of the will to sin. Material co-operation is generally illicit; it may be licit at times for a just and proportionate cause.[49] The lawfulness of material co-operation depends on the fulfillment of the conditions governing the permission of an evil external effect.[50]

Formal co-operation always contains a sin of the same kind as that of the principal agent, besides the violation of charity, because the sin of the other person is always directly voluntary to the formal co-operator.[51] The authors do not agree whether an illicit material co-operator commits this additional species of sin. This question will come up again in the consideration of indirect scandal, and will be discussed there more in detail. It suffices to say here that it seems that, besides a violation of charity, a sin of the same kind as that of the principal agent is committed by the material co-operator, because he culpably wills that sin indirectly. Each virtue forbids what is opposed to it both directly and indirectly.[52]

Formal communication in idolatrous or false cult is to be considered as a formal co-operation in irreligion. Any active assistance or participation in such worship is a formal co-operation. By active assistance a person unites himself religiously with the other worshipers, and this is intrinsically wrong. An example of active as-

[48] Aertnys-Damen, *loc. cit.*, n. 398, 2°, p. 295.

[49] Cf. St. Alphonsus, *op. cit.*, Lib. II, nos. 59 and 63, ed. Gaudé, Tom. I. pp. 356-357.

[50] Aertnys-Damen, *loc. cit.*, Tom. I, n. 399, I, II, p. 296.

[51] Aertnys-Damen, *loc. cit.*, n. 399, III, p. 296.

[52] Cf. Aertnys-Damen, *loc. cit.*, Tom. I, n. 399, III, p. 296; Merkelbach, *op. cit.*, Tom. I, n. 489, c), p. 401.

sistance would be to be attentive with religious decorum during the services, or to be active in any way with one's own external actions.[53] There is clearly a formal co-operation when there is question of a participation in what is essential in the service, as to receive the eucharist of heretics. An active participation in what is accidental in such worship, as singing, even though the hymns be orthodox in their content, or playing the organ in a religious service, is also a formal co-operation.[54] Such activity implies an approval of the cult, for it is intended to add beauty, attractiveness, and appeal to the service; this implication is inseparable from any subjective attitude of the one actively participating in accidentals. In other words, all accidental activity of a religious nature is as wrong, by reason of the circumstances, as that which is essentially a part of the service. Whatever activity in a non-Catholic service has a specifically religious character, whether by its nature, or by reason of the circumstances, is intrinsically wrong, as a profession of the belief of a false sect.[55] Since such activity in the exercise of idolatrous or false worship is intrinsically wrong, it cannot be reduced to merely material co-operation.[56] An objection cannot be made on the score that the sin of irreligion on the part of the non-Catholics is only material. Even if that is true, co-operation in it in a formal way is not licit. For one is never allowed to co-operate formally in something which is intrinsically wrong objectively. Although the other person may not be subjectively guilty of sin, the formal co-operator incurs the guilt of the virtues violated, for he does something he knows to be intrinsically wrong.

The second violation of charity, which can be present in formal religious communication with non-Catholics, is the sin of scandal. Scandal can be considered as active, or as passive. Active scandal is a word, or a deed, which is evil in itself, or has the appearance of evil, and offers the occasion of spiritual ruin to another.[57] This type

[53] Blat, *Commentarium Textus Codicis Iuris Canonici*, Lib. III, Pars 3, n. 128, p. 165.

[54] Cf. Augustine, *A Commentary on Canon Law*, Vol. VI, p. 197.

[55] De Meester, *op. cit.*, Lib. III, Pars I, n. 1252, 2°, pp. 153-154.

[56] Konings, *op. cit.*, Vol. I, n. 313, 1), p. 142. Cf. Génicot-Salsmans, *Institutiones Theologiae Moralis*, Tom. I, n. 198, p. 149.

[57] II-II, q. 43, a. 1, corp. and ad 2.

of scandal is of two kinds: (1) direct, when the sin of the other is intended, as by command, counsel, or seduction; (2) indirect, when the sin of the other is not intended, but it is foreseen that the sin will follow from the action, in so far as the action, by its very nature, impels to sin.[58] Passive scandal is the sin into which a person falls upon the occasion of a word or deed of another. Passive scandal is also of two kinds: (1) given (*scandalum datum*), which arises from active scandal; (2) accepted (*scandalum acceptum*), which does not follow from active scandal, but happens when a person takes an occasion of sinning from a word, or a deed, of another, which is wholly right. If accepted scandal is the result of ignorance, or moral weakness, it is called scandal of the weak; if it is the effect of malice, it is called pharisaical scandal.[59]

Active scandal, both direct and indirect, is a special sin against charity, and that grave *ex genere suo*. It is directly opposed both to the edification of the neighbor, and to the duty of fraternal correction by which we are bound to remove the neighbor from sin; fraternal correction is a special precept of charity, and, therefore, the violation of it is a special sin. Direct active scandal is a sin also against the virtue which is violated as a result of the inducement. Each virtue obliges us not only not to violate it ourselves, but also not to move others to do so.[60]

Today theologians more commonly hold that indirect scandal is a violation of charity only.[61] They say there is present a mere permission of the will regarding the violation of another virtue.[62] St. Alphonsus holds that even indirect scandal includes a violation of the virtue sinned against by the neighbor. He argues that the occasion inducing to sin given by indirect scandal is the *moral cause* of the sin of the neighbor, which is substantially equivalent to a cause directly inducing to sin, since without it the neighbor would not sin.[63] Marc-Gestermann[64] and Aertnys-Damen[65] argue for this same opinion. St. Alphonsus does not reject the probability of the opposite opinion. Both sides are probable, but it seems that the intrinsic arguments for the opinion holding that there is a violation of the virtue sinned against by the neighbor are stronger. This opinion will make a practical difference in confessing a sin of indirect scandal, for the specific virtue, of which there was an occasion for a violation, will have to be mentioned.[66]

Furnishing an occasion for accepted scandal is sometimes sinful; sometimes it can be, and even should be, permitted. Scandal of the weak and pharisaical scandal must be permitted, when they cannot be avoided without harm to one's own salvation, or without other grave harm, especially of the community, which we are bound to prevent. This principle is based on the order of charity, which demands that we prefer ourselves to our neighbor, and choose to prevent grave harm to an innocent person in preference to the sin of another, committed freely. Outside of these cases, the two following principles hold. Giving scandal of the weak must be avoided, when it is possible without grave inconvenience; otherwise it can be permitted. For charity obliges us to hinder the sins of the neighbor when we can do so easily, and without grave inconvenience. Giving pharisaical scandal can be permitted if there is any cause for acting. This scandal arises from malice only, but some cause is required to permit it, because charity demands that we do not offer an occasion of sinning without a reason, even to one who will sin out of malice.[67]

There will always be direct scandal in formal religious communication, if a person is asked, counseled, commanded, and so forth,

[58] Cf. II-II, q. 43, a. 3.

[59] For the general doctrine on scandal, cf. also Aertnys-Damen, *op. cit.*, Tom. I, nos. 376-377, pp. 283-284; Merkelbach, *op. cit.*, Tom. I, nos. 958-961, 964, pp. 729-732, 734; St. Alphonsus, *op. cit.*, Lib. II, n. 43, ed. Gaudé, Tom. I, p. 336; II-II, q. 43, a. 1-8.

[60] Aertnys-Damen, *loc. cit.*, n. 380, p. 286. Cf. Merkelbach, *loc. cit.*, nos. 959-960, pp. 730-731.

[61] Marc-Gestermann, *Institutiones Morales Alphonsianae*, Tom. I, n. 507, note 1, p. 328.

[62] Lehmkuhl, *Theologia Moralis*, Tom. I, n. 789, p. 435. Cf. Merkelbach, *loc. cit.*, n. 960, and note 1, p. 731.

[63] *Op. cit.*, Lib. II. n. 45, ed. Gaudé, Tom. I, pp. 339-340.

[64] *Loc. cit.*

[65] *Loc. cit.*, n. 380, II, pp. 286-287.

[66] St. Alphonsus refers to some authors who held that direct scandal, without intending the spiritual ruin of the neighbor, and indirect scandal, were not violations of charity. He rejects this opinion. *Loc. cit.*, n. 45, pp. 338-339.

[67] Aertnys-Damen, *loc. cit.*, n. 382, pp. 287-288; St. Alphonsus, *loc. cit.*, nos. 49-50, pp. 345-346.

to participate actively in non-Catholic worship, or to go to the exercise of this worship with an approval of the cult. Such conduct intends the objective sin of formal communication. For example, this can happen easily when negligent Catholic parents send their children to non-Catholic services for the practice of religion, or send them to schools, where they must participate actively in non-Catholic religious services. Formal communication will involve direct scandal, too, when a Catholic asks for ministerial acts which cannot be performed without sin. Thus a Catholic will be guilty of direct scandal: who asks for blessings and sacramentals from non-Catholic ministers; who asks for sacraments from one who is not validly ordained; who asks for sacraments, even a necessary one, from a validly ordained minister, who will administer them in a non-Catholic rite; who asks for a necessary sacrament from a validly ordained minister outside a case of extreme necessity; who requests a Mass from a validly ordained priest of a non-Catholic sect. To ask another for something which he cannot give without sin is intrinsically wrong, even if he is prepared to sin, because it directly induces at least to the exercise and continuation of the sin.[68]

Indirect scandal can be present when a Catholic, who communicates formally, is known to be a Catholic. Both Catholics and non-Catholics can be scandalized. The bad example can induce other Catholics to communicate in the same way. Non-Catholics can become more bold, and more pertinacious in adhering to their sect and their error, because of the action of the Catholic.[69] Frequency of formal communication will make the possibility of scandal all the more sure. To run the probable risk of either of these effects is sufficient to incur the guilt of scandal, as is evident from the moral principles mentioned. The Sacred Congregation for the Propagation of the Faith has said, in an Instruction, that the danger and occasion of scandal are generally (*regulariter*) present in religious communication with heretics and schismatics. In the course of the In-

[68] Cf. St. Alphonsus, *loc. cit.*, n. 47, p. 344; Merkelbach, *op. cit.*, Tom I, n. 968, I, pp. 737-738.

[69] Cf. Suarez, *De Fide*, Disp. XXI, Sect. I, n. 4, *Opera Omnia*, Tom. XII, p. 533; *Defensio Fidei*, Lib. VI, Cap. IX, n. 27, *Opera Omnia*, Tom. XXIV, p. 712.

struction it is stated that external conformity in the same cult with heretics and schismatics of the Orient, and reverence to pseudo-ministers of the liturgy, cannot free any Catholic from the danger of scandal. Because almost every rite of the heterodox is stained with error in faith, Catholics who act with them in the celebration of rites, prayers, and cult cannot be freed from pernicious scandal. It mentions, on the other hand, that, since the Orientals consider the Catholic communion as perverse, when they see Catholics participating in their rites, it is to be believed, or at least feared, that such conduct on the part of Catholics will confirm them in their errors. The danger of pernicious scandal of the heretics and schismatics can be avoided only with the greatest difficulty. Therefore, because of this fact Catholics are not safe in conscience if they communicate with them in religious worship.[10] There can be no question of permitting scandal of the weak, or pharisaical scandal, in this connection, for the act of formal communication is intrinsically wrong; charity to one's self obliges a person not to perform the sinful action.

These considerations of the morality of formal communication in public non-Catholic worship show that it is forbidden by the divine law. In very exceptional and extreme cases of necessity when there is no violation of faith by receiving a sacrament from a non-Catholic, the violation of the natural law by way of scandal or danger to one's self must be avoided. Since active religious participation with non-Catholics in public cult is forbidden by God, the law of the Church in canon 1258, § 1, does not induce a distinct obligation.

B. In Private Non-Catholic Worship

Private formal religious communication with non-Catholics is not illicit in itself, nor prohibited, when it contains nothing against faith. Canon 1258, § 1, concerns public formal communication. The Church allows individuals to choose the form and method of their private devotions within the limits of the divine law. The danger of scandal, or of the perversion of one's self, however, must be removed. The danger of scandal can be taken away by an explanation of one's

[10] *Instructio pro Missionariis Orientis*, 1729, *Coll. S.C.P.F.*, Vol. I, n. 311, pp. 99-100.

conduct. If the scandal still remains, it will be pharisaical, and any good reason will justify permitting it. The danger of perversion is relative to the strength of the faith of the Catholic, and the degree of the influence to perversion.[71] When this danger is made remote, a proportionate cause will justify the permission of it.

Article III. The Morality of Material Communication

A. In Public Non-Catholic Worship

Material communication in the public religious worship of non-Catholics is forbidden, in general, under pain of mortal sin. The grave dangers usually connected with such communication, and the serious prohibition of the Church in regard to it, manifested by the wording of canon 1258, § 2, and by the penal sanction placed on a violation of it, indicate this fact.[72] Some of the dangers generally associated with material communication are the danger of perversion from the Catholic faith, the danger of participating in the religious rites, the danger of the approbation of unauthorized cult and unauthorized ministers, the danger and occasion of scandal to both Catholics and non-Catholics.[73] Noldin-Schmitt believe that the approbation of a false religion, and consequently a denial of the true, is the danger which requires special emphasis.[74] Another danger is that of fostering religious indifference, namely, the notion that one religion is as good as another.[75] Religious indifference can arise in the faithful, but especially in non-Catholics, when a Catholic, or Catholics in general, are too free in being present even only materially at non-Catholic worship. To offset this danger, it is evident that, when material presence is given there must be some good reason for it, and attendance at such religious worship may not be sought in itself. Although mere material presence is indifferent in itself, it can have the appearance of evil, so that if no explanation is given, or if the common

[71] Cf. Beste, *Introductio in Codicem*, p. 615.

[72] De Meester, *op. cit.*, Tom. III, Pars I, n. 1253, 2°, p. 155.

[73] *Instructio pro Missionariis Orientis*, 1729, *Coll. S.C.P.F., loc. cit.*; *Le Canoniste Contemporain*, Tom. VII (1884), p. 246.

[74] *Loc. cit.*, n. 38, c, p. 38.

[75] Beste, *loc. cit.*, p. 614; *Le Canoniste Contemporain, loc. cit.*; Génicot-Salsmans, *op. cit.*, Vol. I, n. 198, p. 149.

estimation of the people does not remove the appearance of evil, it can involve indirect scandal. All these dangers introduce a relationship with the natural law. However, even when one of these dangers is not present, the prohibition of the Church on this matter still holds. It is a prohibition regarding a common danger, and, therefore, binds every Catholic always, according to its tenor.[76]

The canon mentions expressly that scandal is to be avoided. This refers primarily to active scandal, for this involves sin for the Catholic, and sin can never be committed for any reason. Passive scandal is concerned, too. But the occasion of passive scandal need not be avoided necessarily in every case. Authors mention that the principles governing the permission of an evil external effect are to be applied to individual cases, in order to ascertain the lawfulness of material religious communication.[77] Such teaching implies that when the good effect intended equals, or exceeds, the evil effect of accepted scandal, the latter can be permitted, provided all the other requirements are verified at the same time. Besides, it would be humanly impossible for a person to avoid all occasions of furnishing accepted scandal; therefore, he should be permitted to act for proportionate reasons.

Similarly, moral principles are to be applied to the exclusion of the danger of perversion made in the canon. When a proximate danger of perversion is present, which cannot be made remote, material communication in non-Catholic worship can never be allowed. For a person sins by exposing himself to such proximate danger, and sin can never be committed for any cause or reason whatsoever. The verification of a grave reason of civil duty or honor will make the danger a morally necessary one, and will allow a person to communicate materially, provided he can make the danger remote. This interpretation follows, also, from the statement of authors that the principles for the permitting of a double effect are to be applied to this canon. Any other probable danger of sin for the person communicating, as the danger of approving the worship, must be dealt with in the same way; this is required by the natural law.

The older theologians demanded a justifying cause to offset the

[76] Canon 21.

[77] Prümmer, *op. cit.*, Tom. I, n. 527, note, p. 373; Beste, *loc. cit.*

dangers involved in material religious communication. The more common causes mentioned were sufficient reasons based on a civil office, or on the duty of a servant, or to note errors in order to refute them.[78] Modern authors have the Code of Canon Law as their guide for justifying causes. The Code requires a "grave reason for the sake of civil duty or honor." Commenting on the words "for the sake of civil duty or honor," De Meester says they mean "for the sake of an office, as that of a civil magistrate or a servant, or of honor towards non-Catholic relatives or fellow citizens." [79] Augustine paraphrases them to mean for the sake of civil duty, or of respect due to the person who is the object of the ceremony.[80] An indication of what would be a grave reason may be taken from a response of the Holy Office regarding reasons justifying attendance at non-Catholic funerals. Attendance was to be allowed if hatred and enmities between Catholics and non-Catholics, from which some grave harm was to be feared for Catholics, could not be avoided otherwise.[81] Beste mentions other reasons: the avoiding of hostility to the Church, and of disturbance of the peace and the tranquillity of social harmony.[82] In a doubt whether there is a grave reason present in a particular case, the Ordinary of the place is to give a decision.

Obviously, in applying the principles for the permission of a double effect, and in measuring a proportionately grave reason, the special circumstances of each case must be taken into consideration. Consideration must be given to the quality of the person communicating, for example, whether he is a priest or a layman; to the neces-

[78] Sanchez, *Opus Morale in Praecepta Decalogi*, Lib. II, Cap. IV, nos. 26 and 27, pp. 97-98; Salmanticenses, *Cursus Theologiae Moralis*, Tom. V, Tract. XXI, Cap. II, Punct. XI, n. 122, p. 92; Sporer, *op. cit.*, Tom. I, Tract. II, *in I Praecepto Decalogi*, Cap. II, Asser. V, § IV, III, & n. 31, p. 170; Castro Paolo, *Opus Morale*, Tom. I, Tract. IV, Disp. I, Punct. XVII, n. II, p. 264; Busembaum, in La Croix, *Theologia Moralis*, Tom. I, Lib. II, Tract. I, Cap. III, n. 54, XI, p. 169; St. Alphonsus, *op. cit.*, Lib. II, n. 16, 12°, ed. Gaudé, Tom. I, p. 308; Kenrick, *Theologia Moralis*, Tom. II, Tract. XIII, n. 33, pp. 46-47; Konings, *op. cit.*, Vol. I, n. 254, 3°, pp. 111-112.

[79] *Loc. cit.*, n. 1253, 2°, (author's trans.). The word "civil" sometimes has the general sense of "natural," as in the phrase "civil virtues."

[80] *Loc. cit.*, Vol. VI, p. 196.

[81] Jan. 13, 1818, *Coll. S.C.P.F.*, Vol. I, n. 727, p. 428.

[82] *Loc. cit.*

sity or fitness of communicating, for example, whether the immediate family should attend the marriage of a Catholic celebrated before a non-Catholic minister acting as a minister of religion; to the signification of the solemnity, that is, whether it is anti-Catholic or animated by a positively hostile intention; and to local custom.[83]

McHugh-Callan exemplify as follows the application of the principles governing the permission of a double effect to this matter. (1) The assistance must be really indifferent, that is, a merely passive presence without any active participation in the religious service. For example, a person who stands in the rear of a Quaker meeting house as a spectator assists passively; but one who sits quietly among the others present, as if in meditation, assists actively. (2) The evil effect must be only permitted. For example, Caius, a Catholic public official, has to attend funerals and weddings in Protestant churches as a mark of public respect for notable persons. He permits scandal taken by a few in fulfilling his duty. (3) The good effect must not come through the evil effect. For example, Titus goes to Mass as a spectator with a Catholic friend. Titus then asks the Catholic to go and see his services, as if they were better. The Catholic consents out of courtesy. Being courteous is good in itself, but the means he uses, namely, the impression he gives that he is not convinced of the superiority of his own religion, is bad. (4) The reason must be proportionate. Hence a graver reason is required for passive assistance on several occasions than on one occasion; for passive assistance at infidel than at heretical services; for passive assistance by a priest than by a layman.[84]

The Code mentions marriages and funerals of non-Catholics explicitly as occasions where the material presence of Catholics can be tolerated under the conditions prescribed. Other similar solemnities are included in a general way. Similar solemnities would be the reception of baptism or confirmation by a non-Catholic, the giving of thanks for a civil reason,[85] the celebration of the birthday of a ruler's

[83] Cf. Beste, *loc. cit.*, pp. 614-615; Merkelbach, *op. cit.*, Tom. I, n. 760, p. 588.

[84] *Op cit.*, Vol. I, n. 966, pp. 377-378.

[85] Blat, *op. cit.*, Lib. III, Pars 3, n. 128, p. 166.

son,[86] the coronation of a ruler. It seems that it may be said in general that material communication in the religious services of non-Catholics contemplated in canon 1258, § 2, can be tolerated, when there is a proportionately grave reason based on one's duty as a citizen, an official, or a servant, or on the honor and respect due to non-Catholic relatives and friends.

The prohibition to communicate materially in non-Catholic worship admits of lightness of matter.[87] Sometimes material presence, without a grave reason, but excluding scandal and the danger of perversion, will not be more than a venial sin, for example, one or the other time out of mere curiosity.[88] Such cases must exclude special circumstances, or a special grave prohibition, as that in effect in Rome.[89] It does not seem, however, that sin is involved here on the grounds that the material communication has the appearance of evil, as Merkelbach states. For, in the event that the custom of the place does not look upon it in that way, this reasoning does not hold. The prohibition of the Church is always present, and the violation of it for a light reason, as of mere curiosity, one or the other time, is a venial sin.

B. In Private non-Catholic Worship

In regard to material or passive communication with non-Catholics in private religious worship which is false the obligations of the divine law must be observed. There is no general prohibition of ecclesiastical law against it. Reasons to justify such communication must be proportionate to the dangers involved, either to one's self or to others, to the gravity of the sin which would be committed, and to the number of persons who would sin. In the absence of all dangers, it seems that any good reason, as one of mere etiquette, would justify it. In the latter event, a Catholic could be passive while his non-Catholic host said a prayer, in which there was some dogmatic error, before a meal, by reason of his being there as a guest.

[86] Augustine, *loc. cit.*, p. 196.
[87] De Meester, *loc. cit.*, n. 1253, 2°, p. 155.
[88] Merkelbach, *loc. cit.*, n. 758, 4), p. 586.
[89] De Meester, *loc. cit.*

CHAPTER IV

APPLICATIONS

THIS chapter is to contain a consideration of various cases relative to the religious communication of Catholics with non-Catholics. Applications to communication in the worship of Christian sects will apply *a fortiori* to religious communication with pagans and Jews. Obviously, all the particular cases which may possibly arise cannot be considered. The morality of cases of more rare occurrence can be judged, however, from what is said of the cases, which will be considered. The treatment of the matter of this chapter is divided into three general sections: (1) miscellaneous points bearing on religious communication with non-Catholics; (2) communication in sacraments and sacramentals administered by non-Catholics; (3) assistance at marriages and funerals in which there is a non-Catholic religious rite.

ARTICLE I. MISCELLANEOUS POINTS

A. Entering Non-Catholic Churches

The first problem in connection with our matter is that of the mere entering of the churches of non-Catholics. Theologians have taught, as common doctrine, that the mere entering of such churches is morally indifferent in itself.[1] A response of the Holy Office has indicatd four circumstances by which the entering of non-Catholic churches will become bad: (1) if a person enters with the intention of assisting at the sacred functions of heretics; (2) in the absence of this intention, if the entering implies, or seems to imply, some religious communication with the heretics, and thus gives occasion for scandal; (3) if the entrance is prescribed by an heretical government as a profession of the same faith and religion by Catholics and non-Catholics; (4) if it is commonly considered as a sign of one and the same communion between Catholics and non-Catholics.[2]

[1] Salmanticenses, *Cursus Theologicus*, Tom. XI, Tract. XVII, Disp. VII, Dub. I, § VI, n. 46, pp. 366-367.

[2] Jan. 14, 1818, *Coll. S.C.P.F.*, Vol. I, n. 727, p. 428. This response was sent to Bardstown, Kentucky.

Lawful purposes for entering such churches would be to seek protection from inclement weather, to find refuge in time of war, to fulfill one's duties as a servant,[3] to render the service of a soldier to the king during religious services,[4] to treat of some civil business in one's capacity as a senator,[5] for the learned, in the presence of a just cause, to note errors in the rites or the sermons in order to refute them,[6] to avoid grave harm to one's honor or goods,[7] to satisfy legitimate curiosity.[8]

Obviously some of these reasons take into consideration the fact that religious services may be going on at the time of one's presence in a church. When there is no religious service going on, any reason not bad in itself, even one of mere curiosity, will suffice for going in, provided a person has no intention of religious participation, and there is no scandal because of the customary attitude of the people of the place. In such a case there is no religious signification, at least where Catholics and non-Catholics live in a mixed community, and the general law of the Church contains no prohibition against it. Wouters says that the entering of non-Catholic churches to look

[3] Salmanticenses, *Cursus Theologiae Moralis*, Tom. V, Tract. XXI, Caput II, Punct. XI, n. 121, p. 92; Sporer, *Theologia Moralis super Decalogum*, Tom. I, Tract. II, *in I Praecepto Decalogi*, Cap. II, Assertio. V, § IV, III, p. 170; Castro Paolo, *Opus Morale*, Tom. I, Tract. IV, Disp. I, Punct. XVII, n. II, p. 264; Ferraris, *Prompta Bibliotheca*, Tom. IV, art. *Haereticus*, col. 143; St. Alphonsus, *Theologia Moralis*, Lib. II, Tract. I, n. 16, 12°, ed. Gaudé, Tom. I, p. 308; Kenrick, *Theologia Moralis*, Tom. II, Tract. XIII, n. 33, p. 47; Konings, *Theologia Moralis*, Vol. I, n. 254, 5°, p. 112; Noldin-Schmitt, *Summa Theologiae Moralis*, Tom. II, n. 39, 4, a, p. 40; Davis, *Moral and Pastoral Theology*, Vol. I, p. 283; Marc-Gestermann, *Institutiones Morales Alphonsianae*, Tom. I, n. 449, 4°, p. 288; Iorio, *Theologia Moralis*, Vol. I, n. 277, 2°, p. 231.

[4] Salmanticenses, *Cursus Theologiae Moralis*, *loc. cit.*

[5] Salmanticenses, *Cursus Theologiae Moralis*, *loc. cit.* They say this is the common teaching.

[6] Salmanticenses, *Cursus Theologiae Moralis*, *loc. cit.*, n. 122, p. 92; Sporer, *loc. cit.*; Ferraris, *loc. cit.*

[7] Castro Paolo, *loc. cit.*

[8] Salmanticenses, *Cursus Theologiae Moralis*, *loc. cit.*, n. 121, p. 92; Sporer, *loc. cit.*; Konings, *op. cit.*, Vol. I, n. 254, 2°, p. 111; Noldin-Schmitt, *loc. cit.*; Prümmer, *Manuale Theologiae Moralis*, Tom. I, n. 527, p. 373; Aertnys-Damen, *Theologia Moralis*, Tom. I, n. 314, II, Quaer. 5°, p. 237.

at them involves nothing wrong.[9] According to Iorio it is not against faith to visit the churches of heretics or infidels, but there must be no scandal, danger of perversion, or a law forbidding it.[10] Prümmer allows one to go to non-Catholic churches to see the pictures, statues, and other works of art.[11] He mentions this, however, in his explanation of canon 1258, § 2, and accordingly demands justifying reasons. This seems to be an unwarranted extension of the canon, which is concerned with material presence at the religious functions of non-Catholics, not with the mere visiting of their churches.

A distinction is to be made between entering a non-Catholic church at a time of religious services, and being present during the services. The mere entering of a non-Catholic church at such time is not forbidden by canon 1258, § 2. There may be particular prohibitions in certain places, as in Rome, where Catholics are strictly forbidden to enter Protestant churches knowingly and out of mere curiosity during the time of services.[12] In the event that there is no particular prohibition, this matter must be settled according to the natural law. Entering a non-Catholic church during religious services can easily cause scandal, especially if it is done repeatedly, because it has the appearance of going in to attend the services. Once a Catholic has entered the non-Catholic church, he is liable to give passive assistance at the services, for which he has not a justifying reason according to the norms to be considered in the following pages. Hence Noldin-Schmitt exclude even curiosity as a reason for entering a non-Catholic church during their services.[13] It seems that there must be a proportionately grave reason to justify such an act on the part of a Catholic.

Some authors mention that it is licit to enter the churches of schismatics and to adore the Blessed Sacrament privately, provided

[9] *Manuale Theologiae Moralis*, Tom. I, n. 500, 4, c), p. 340.

[10] *Theologia Moralis*, Vol. I, n. 251, 2°, p. 214, and n. 277, 3°, p. 231.

[11] *Loc. cit.*

[12] *ASS*, Vol. XI, p. 174. Cf. Blat, *Commentarium Textus Codicis Iuris Canonici*, Lib. III, Pars 3, n. 129, p. 174.

[13] *Op. cit.*, Tom. II, n. 39, 4, a, p. 40.

there is no scandal. Wouters prudently notes that if this is done repeatedly scandal will certainly follow, and the way will be opened for religious indifference. Vermeersch and Iorio say that images of the saints in these churches may be honored privately.[14]

To be materially present at a religious service in a non-Catholic church requires a grave reason, in order to offset any dangers which are present and which must be guarded against by the natural law. In some cases a grave reason of civil duty or honor will suffice, according to the prescriptions of the positive law of the Church, provided there is no danger of scandal or perversion. This legislation, however, has in view only certain religious solemnities of non-Catholics. In other words, a grave reason based on civil duty or honor will not suffice to render licit material communication in general at non-Catholic religious functions. When a grave reason of civil duty or honor is not sufficient, a reason of grave harm to one's self, a reason of a public nature, such as the good of the Catholic religion, and so forth, is required to justify material communication.[15] This follows from the wording of the canon, and from the general principles on the binding force of human positive law.

Authors allow Catholic servants to accompany their masters to ordinary non-Catholic services for reasons in their line of duty as servants. This is to be taken with limitations. Lehmkuhl considers several possibilities. If the servant participates in the rites and prayers, or assists actively as one of the members of the religious sect, he is guilty of formal communication. If the servant is present at non-Catholic services frequently, but does not make a public profession of the Catholic religion, his communication, although only material, is equivalent to a profession of the non-Catholic rites and is gravely sinful. In the absence of any of these circumstances, material communication on the part of the servant will be licit *per se* by reason of his position, if it would be difficult for him to find another employer, or if there is some other grave reason connected

[14] Wouters, *op. cit.*, Tom. I, n. 500, 4, c), p. 340; Vermeersch, *Theologiae Moralis Principia, Responsa, Consilia*, Tom. II, n. 52, b), p. 46; Iorio, *op. cit.*, Vol. I, n. 277, 6°, pp. 231-232.

[15] Cf. Michel, art. *Hérésie*, n. 6, *Communication in divinis, DThC*, Tom. VI, col. 2230.

with his position, provided his master does not order the communication in hatred of religion. But because dangers to one's faith and the danger of scandal are generally present when there is frequent attendance at non-Catholic rites and sermons, frequent material communication by a servant can rarely be considered licit, even though he would make a public profession of the Catholic religion.[16] Iorio says in general that servants, because of their position, can accompany their masters and assist them while they perform religious functions in non-Catholic churches, provided there are precautions against scandal.[17] The judgment of Lehmkuhl is to be preferred, namely, that frequent material communication by servants can rarely be licit. The danger of perversion deserves special consideration here; it will become progressively more proximate because of the subtle and subconscious absorption of non-Catholic ideas and doctrine. Noldin-Schmitt demand a most grave cause to allow servants to accompany their masters to their churches.[18] Therefore, the mere position of a servant will not justify a continued and frequent material communication in non-Catholic services. When a servant has a sufficiently grave reason for doing so, he must take extraordinary care to safeguard his faith and to offset scandal by being seen frequently at Catholic services.

Sometimes Catholics are commanded by civil authorities to be present at non-Catholic religious services. The lawfulness, or unlawfulness, of obeying will depend upon the circumstances of the command. The orders of Queen Elizabeth,[19] making it obligatory for Catholics to enter non-Catholic churches under grave penalties, provided an interesting case, not only because they threw light upon the obligations of a Catholic in such circumstances, but also because they opened up a new field for the application of moral principles. The laws prescribed that all were to be present at the rites and sermons of the State religion. De Lugo asks whether a Catholic could

[16] *Theologia Moralis*, Vol. I, n. 809, pp. 446-448. Cf. Génicot-Salsmans, *Institutiones Theologiae Moralis*, Vol. I, n. 200, p. 151.

[17] *Loc. cit.*, Vol. I, n. 277, 2°, p. 231.

[18] *Op. cit.*, Tom. II, n. 39, 4, 2, p. 40.

[19] Cf. p. 31.

obey the laws only materially to avoid the penalties.[20] He says some theologians allowed Catholics to do so to avoid formal sins, that is, to keep them from doing something they had learned to be sinful. Sanchez gives their reasons as made on the basis that, since the entering of the churches is bad only from the circumstances, it can become licit by removing the bad circumstances. Scandal could be removed by a public protestation to the effect that the laws were being obeyed only to avoid the penalties; the danger of perversion could be taken away by personal vigilance. Then compliance with the laws could not be looked upon as an action having a religious significance.[21] Sanchez holds the contrary opinion, however, because the purpose of the laws was to distinguish Catholics from heretics, and to give honor to heretical rites. Therefore, no reason whatever could justify a Catholic obeying the laws. Furthermore, he maintains that a public protestation could not remove scandal from all; that the danger of perversion could not be removed effectively; that, in the case, the presence was a sign of religious faith, and that the heretics gloried in having the Catholics attend, and commanded them to sing, to pray, to kneel, to receive the eucharist, to denounce the Pope, and so forth. Besides, their very presence in a church of the State religion was a sign acknowledging headship in spiritual matters to the temporal ruler. De Lugo favors this side of the question and agrees with the arguments. He adds some reasons of his own: namely, (1) that the laws could not have a merely civil meaning, because every human law must command something from some virtuous or moral motive. These laws had for their object that the rites and the ministers receive approval by frequent attendance. To obey them even only externally constituted a religious act. (2) If entering the non-Catholic churches were licit in these circumstances, it would be licit, too, to receive the false eucharist at the command of a king to avoid very severe penalties. To eat that bread, which is mere bread, is indifferent in itself, and can be done to nourish the body. But if it is commanded as a religious act, it signifies a false cult, and is, therefore, illicit.

[20] *De Virtute Fidei Divinae,* Disp. XIV, Sect. V, § VI, n. 174, *Disputationes Scholasticae et Morales,* Tom. I, p. 562.

[21] *Opus Morale in Praecepta Decalogi,* Tom. I, Lib. II, Cap. IV, n. 27, p. 98.

So these laws, which commanded things indifferent in themselves, rendered them illicit because it directed them to signify the profession of a false religion.[22] Besides scandal and the danger of perversion, Bonacina adds, in obeying the laws of this kind, notable honor due to God is taken away, and our religion, the preservation of which should be dearer to us than life, seems to be contemned by the external act. Furthermore, there is communication in religious matters which is forbidden in Holy Scripture; and there is a simulated profession of schism or heresy, which is always wrong, since it is an approbation or support of it.[23] As mentioned in Chapter II, Pope Paul V declared that it was illicit for Catholics to obey these laws in any way. This doctrine must be upheld. Theologians today assert that it is illicit to be present at heretical rites when it is commanded in hatred of the faith, or in favor of a false sect,[24] or when Catholics are obliged to be active in the sacred functions.[25]

On the other hand when the presence of Catholics in non-Catholic churches is commanded only to secure civil obedience, theologians say it is licit for them to obey.[26] The Salmanticenses allow Catholics to be materially present in non-Catholic churches in order to conceal their faith, even if a tyrannical ruler decreed that only infidels should enter them. They say that in a law of this kind the presence is not ordained primarily and in itself to the profession of a false religion, and that it can be allowed for a good purpose. The law would be equivalent to a general interrogation of faith which the faithful are not obliged to answer if they thus betray themselves. This view is not rendered improbable by the decrees of Pope Paul V, because the circumstances of the laws in each case are different.[27]

[22] *Loc. cit.*

[23] *Operum de Morali Theologia*, Tom. II, Disp. III, Qu. II, Punct. III, n. 22, p. 153. Cf. Laymann, *Theologia Moralis*, Lib. II, Tract. I, Cap. XI, n. 6, p. 153; Suarez, *Defensio Fidei*, Lib. VI, Cap. IX, nos. 15-33, *Opera Omnia*, Tom. XXIV, pp. 707-714.

[24] Noldin-Schmitt, *op. cit.*, Tom. II, n. 39, 5, b, p. 41; Prümmer, *op. cit.*, Tom. I, n. 527, p. 373; Sabetti-Barrett, *Compendium Theologiae Moralis*, n. 154, 5°, p. 159.

[25] Noldin-Schmitt, *loc. cit.*, n. 39, 5, a, p. 40.

[26] Sanchez, *op. cit.*, Tom. I, Lib. II, Cap. IV, n. 27, p. 98.

[27] *Cursus Theologicus*, Tom. XI, Tract. XVII, Disp. VII, Dub. I, § VI, nos. 47-48, p. 367.

There is no question here of active participation, but of mere presence, and that not commanded as a recognition of an unauthorized religion.

In our country it sometimes happened formerly that all persons in camps, houses of correction, prisons, and public places generally, or on ships were forced by order of the secular power to be present at common religious services and sermons. This was not a parallel situation to that which existed in England, for in our case the presence at the services was required for the sake of order, and no one was compelled to recognize the cult, or to participate in it.[28] Material presence was all that was required. In such situations Catholics could give this material presence at non-Catholic religious services, provided they openly profess their faith otherwise and avoid all association of cult, in order to escape the penalty or for another sufficiently grave reason. If there is danger of perversion,[29] it must be guarded against, otherwise Catholics may not comply with the regulation. The Fathers of the Second Plenary Council of Baltimore showed their repugnance to these situations when they reminded the Bishops to take prudent measures to effect that Catholic soldiers and sailors be not obliged to assist at non-Catholic worship, because by law the secular power is not to usurp any right of mingling in sacred matters.[30] Certainly these conditions are not found so generally nowadays. Whenever they are present, the same solution is to be given.

A response of the Holy Office indicates the judgment to be given in cases where Catholic pupils are made to assist at non-Catholic religious functions with non-Catholic pupils. The case in point concerned the public schools in some of the Russian provinces. The Catholic pupils were obliged not only to enter schismatic churches and to be present at the functions, but also to participate in the rites by kissing a cross held by the minister, by kneeling, by taking blessed bread, and so forth. The Holy Office said that this could

[28] Konings, *op. cit.*, Vol. I, n. 254, 4°, p. 112.

[29] Konings, *loc. cit.* Cf. Noldin-Schmitt, *loc. cit.*, n. 39, 5, c, p. 41; Prümmer, *loc. cit.*; Sabetti-Barrett, *loc. cit.*, n. 154, 9°, p. 159; Davis, *loc. cit.*, p. 283; Michel, *loc. cit.*; Lehmkuhl, *op. cit.*, Vol. I, n. 809, (4), note 1, p. 448.

[30] ***Concilii Plenarii Baltimorensis II Acta et Decreta***, n. 400, pp. 206-207.

not be considered a mere material presence, but that it contained a communication in religious matters which was altogether illicit. If the teachers of religion in the schools were asked about it by the pupils or their parents, they were to say the practice could not be tolerated. If they were not asked, in the absence of scandal they could refrain from giving an admonition and leave the people in good faith, and stand by the decision of the Bishop. Confessors, too, could leave the people in good faith; but if the matter came up in confession the parents were not to be absolved if they did not seriously promise to abstain from telling their children to practice such communication.[31] This doctrine follows from the unlawfulness of formal communication in non-Catholic worship. In such cases culpable parents are guilty of formal scandal, and incur the guilt of the sin of communication of their children. No reason, however grave, can justify formal communication. The most that can be allowed is dissimulation for most weighty reasons in the presence of good faith, provided there is no public scandal, danger of perversion, or harm to the public good of the Catholic religion. It is noteworthy that the case in point here concerned a schismatic, not an heretical, religion.

In some places where the government orders civil officials and Bishops to be present at religious services of schismatics, the Holy Office has decided, in an Instruction, that a merely material presence of the officials may be tolerated, provided no Mass is said, but that Bishops may never go to a schismatic church to take part in the functions or to chant the doxology. In doing so the Catholic Bishops would put themselves on a par with the schismatic bishops as legitimate ministers of public cult.[32] At the coronation of King Edward VII of England his Catholic subjects were allowed to enter Westminster Abbey for his coronation because of his presence. In India, however, Catholics were not allowed to enter the non-Catholic churches to attend the celebration of his coronation because he was

[31] April 26, 1894, *Coll. S.C.P.F.*, Vol. II, n. 1868, pp. 303-304. Cf. Noldin-Schmitt, *loc. cit.*, n. 39, 5, a, p. 40; Coronata, *Institutiones Iuris Canonici*, Vol. II, n. 836, p. 158; Augustine, *A Commentary on Canon Law*, Vol. VI, pp. 192 seq.

[32] May 12, 1841, *Coll. S.C.P.F.*, Vol. I, n. 921, p. 519.

not present. In England the presence of the King sufficiently indicated that the presence of Catholics was intended merely as a mark of civil homage.[33] When the present King of England, George VI, was crowned the members of the Papal Mission to the Coronation did not enter Westminster Abbey. They viewed the arrival of the King and Queen and the Coronation procession from the special tribune erected for them outside the Abbey.[34]

Authors differ on whether it is illicit to be present materially at non-Catholic services one or the other time out of curiosity. Castro Paolo does not consider curiosity a sufficiently grave reason, because entering a church gives others occasion for thinking that a person is using the heretical rites, or that he is an heretic, or wishes to be.[35] Noldin-Schmitt exclude curiosity as a reason for entering churches while services are going on.[36] Prümmer seems to do so, too, because he refers only to looking at the beauty and art of the church, or to hearing a concert.[37] *A fortiori*, then, these authors would exclude material assistance at non-Catholic services from a motive of curiosity. The Salmanticenses [38] and Sporer [39] say that it would not be a mortal sin to attend such services one or the other time out of curiosity. Génicot-Salsmans hold that, in places where Catholics live with non-Catholics, merely material assistance at non-Catholic services is not looked upon as a grave fault, provided there is no appearance of adherence to the sect, no scandal, and no danger of perversion.[40] Merkelbach considers it a sin to be materially present at non-Catholic services and sermons out of mere curiosity, because it has the appearance of evil; it is probably only a venial sin

[33] *Littera Encyclica S. C. de Prop. Fide*, April 25, 1902, *Coll. S.C.P.F.*, Vol. II, n. 2136, p. 425.

[34] *The Tablet*, Vol. 169, n. 5062 (May 15, 1937), p. 699.

[35] *Opus Morale*, Tom. I, Tract. IV, Disp. I, Punct. XVII, n. 12, p. 264.

[36] *Op. cit.*, Tom. II, n. 39, 4, a, p. 40.

[37] *Op. cit.*, Tom. I, n. 527, p. 373.

[38] *Cursus Theologiae Moralis*, Tom. V, Tract. XXI, Cap. II, Punct. XI, n. 121, p. 92.

[39] *Op. cit.*, Tom. I, Tract. II, *in I Praecepto Decalogi*, Cap. II, Assert. V, § IV, III, p. 170.

[40] *Op. cit.*, Vol. I, n. 200, 2°, p. 151.

unless there are grave circumstances or a special prohibition.[41] Aertnys-Damen take a milder view, saying that it is not illicit in itself to assist passively at the services of non-Catholics one or the other time out of curiosity.[42] Davis[43] and Beste[44] also allow it, provided there is no circumstance present vitiating the act.

Those allowing material presence at a service even out of curiosity refer to a response given by the Holy Office in 1818. This response has been quoted already.[45] The Holy Office stated that entering non-Catholic churches is indifferent in itself, and mentioned certain circumstances in which it is bad. Then it added that when these circumstances are absent a Catholic may enter non-Catholic churches without fault, even out of mere curiosity of seeing the churches.[46] Lehmkuhl believes it was not the mind of the Holy Office to extend this to times when a sermon or a religious rite was being held. He holds that in places where the people are of mixed religions the common estimation is that the visiting of non-Catholic churches is not gravely wrong, unless there is joined the danger of perversion, scandal, participation in a non-Catholic rite, or a grave prohibition against it.[47] This seems to be the better view. The Holy Office in this response said that a Catholic may enter a non-Catholic church in order to look at it, since it is like any other building. Ordinarily speaking it would be incongruous to inspect a church while services were going on, especially if a sermon were being preached. Moreover, in 1770 the Holy Office said that as a rule (*regulariter*) it is not licit for Catholics to be present at the sermons, baptisms, and marriages of heretics or schismatics.[48] The general law of the Church tolerates the material assistance of Catholics at solemnities, not the ordinary services, of non-Catholics, for a grave reason of civil duty or honor. Therefore, material assistance at

[41] *Summa Theologiae Moralis*, Tom. I, n. 758, (4), p. 586.
[42] *Op. cit.*, Tom. I, n. 314, II, Quaer. 5°, p. 237.
[43] *Op. cit.*, Vol. I, p. 283.
[44] *Introductio in Codicem*, pp. 614-615.
[45] Cf. p. 61.
[46] Jan. 14, 1818, *Coll. S.C.P.F.*, Vol. I, n. 727, p. 428.
[47] *Op. cit.*, Vol. I, n. 651, note 1, p. 390.
[48] *Coll. S.C.P.F.*, Vol. I, n. 478, pp. 301-302. Cf. Vol. II, n. 1410, ad 2, pp. 76-77.

non-Catholic services out of mere curiosity, even one or the other time, is against canon 1258, § 2, although in such cases, barring grave circumstances, there is lightness of matter.[49] If there should be an immemorial custom in some places allowing this presence one or the other time out of curiosity, and the Ordinary has not taken steps to remove it, the custom is still in force by reason of canon 5. It is worthy of mention that in Rome to assist materially at non-Catholic services or to listen to their sermons out of curiosity is a mortal sin. The Vicar of Rome forbade each in this way on July 12, 1878,[50] and this prohibition is still in force by virtue of canon 6, 6°.[51]

It is an active participation, and, therefore, a formal communication, in non-Catholic rites to pray together with the non-Catholics in their public functions, or to join in their services, or to carry torches.[52]

B. Singing or Playing Musical Instruments

Singing or playing musical instruments in non-Catholic religious services is an active participation, and, therefore, a formal communication. Concerning this point La Croix says that it is not licit to sing psalms together with non-Catholics in their churches or meetings, nor is it licit to play the organ or other musical instruments in their temples, because such things seem to be a public approbation of, or a scandalous communication in, sacred things.[53] The author of the Appendix to the article *Fides* in the *Bibliotheca* of Ferraris says that they ratify a false rite and cult, who play the organ or exercise the musical art in another way in churches of schismatics and heretics.[54] Kenrick holds that in this country those who sing hymns or play the organ in the churches of heretics become participants in the cult, and, therefore, betray their faith in some way.[55]

[49] The prohibition of the Church seems to be a better reason than the one given by Merkelbach.

[50] *ASS*, Vol. XI, pp. 174-175.

[51] Blat, *op. cit.*, Lib. III, Pars 3, n. 129, p. 174.

[52] *Coll. S.C.P.F.*, Vol. I, n. 727, p. 428.

[53] *Theologia Moralis*, Tom. I, Lib. II, Tract. I, Cap. III, n. 68, p. 170.

[54] *Prompta Bibliotheca*, art. *Fides, Appendix*, n. 57, Tom. III, col. 1137.

[55] *Op. cit.*, Tom. II, Tract. XIII, n. 37, p. 48.

Konings states that to perform the office of organist, even only one or the other time, in the churches of heretics in their religious gatherings would be illicit, for it involves a communication in their religious rites or a formal co-operation.[56] Noldin-Schmitt,[57] Marc-Gestermann,[58] Prümmer,[59] Merkelbach,[60] and Aertnys-Damen [61] agree that singing or playing the organ in religious services is wrong, because each involves a participation in the cult. Noldin-Schmitt expressly call these actions formal communications in the worship.[62] Wouters makes the same judgment about playing the organ, but does not mention singing.[63] Lehmkuhl [64] and Augustine [65] call singing and playing the organ formal co-operations. Sabetti-Barrett consider singing in a non-Catholic religious service as an active part in the cult, and, therefore, intrinsically wrong.[66] In 1889 the Sacred Congregation for the Propagation of the Faith stated, with the approbation of Pope Leo XIII, that it is illicit to play the organ in the churches of heretics when they are exercising false cult there; the seriousness of this matter is made clear when it is remembered that this was a reply to a petition for permission to play the organ in Protestant churches on feast days so that the organist could provide for himself.[67]

Davis allows a Catholic organist to continue in his position in a non-Catholic church so long as he is in grave necessity, provided there is no serious scandal.[68] This opinion indicates that he looks upon this action as a form of proximate material co-operation. Vermeersch expressly states that he considers organ playing as a proxi-

[56] *Op. cit.*, Vol. I, n. 313, (1), p. 142.
[57] *Op. cit.*, Tom. II, n. 39, 4, c, p. 40.
[58] *Op. cit.*, Tom. I, n. 449, 6°, p. 288.
[59] *Op. cit.*, Tom. I, n. 526, d, p. 372.
[60] *Op. cit.*, Tom. I, n. 758, (3), p. 586.
[61] *Op. cit.*, Tom. I, n. 314, I, Quaer. 4°, p. 236.
[62] *Op. cit.*, Tom. II, n. 38, 2, p. 38.
[63] *Op. cit.*, Tom. I, n. 557, 5, p. 391.
[64] *Op. cit.*, Vol. I, n. 813, p. 450.
[65] *Op. cit.*, Vol. VI, p. 197.
[66] *Op. cit.*, n. 154, 10°, pp. 159-160.
[67] *Epistola S. C. de Prop. Fide*, July 8, 1889, *Coll. S.C.P.F.*, Vol. II, n. 1713, p. 240.
[68] *Op. cit.*, Vol. I, p. 286.

mate material co-operation.[69] These opinions are too mild. In licit material co-operation there is required an action which is at least indifferent. Playing the organ in a non-Catholic service adds beauty, solemnity, and appeal to the worship, and as such is inseparable from the religious rite. Therefore in that circumstance it is intrinsically bad, and is a formal co-operation. Because of the strength of the intrinsic arguments for this opinion, and of the great weight of extrinsic authority favoring it, the view of Davis and Vermeersch is somewhat singular and exceptional, to say the least.

Sabetti-Barrett cite, without approval, an opinion that a Catholic may sing in non-Catholic services in a very rare case, when the following conditions are verified: (1) there is nothing contrary to the faith in the hymns; (2) there is no scandal or danger of perversion; (3) there is a most grave necessity. The reason given is that in these circumstances the malice seems to be, not on the part of the action, but on the part of other persons, and hence the co-operation is only material, and can be permitted for a just cause. On the other hand, Sabetti-Barrett believe that singing must be considered as an active part in non-Catholic worship, and intrinsically wrong. Hence it involves a formal co-operation, and the intention, or the grave necessity, of the singer cannot change the nature of the act placed in such circumstances.[70] It is difficult to see how singing in the religious services of non-Catholics can be viewed in any other way.

Regarding singing in non-Catholic services, it makes no difference whether the hymns are orthodox or not.[71] Even if they are orthodox, they are used as a part of non-Catholic worship. Non-Catholic worship, even when it contains nothing false, is conducted in defiance of the Catholic Church, the only organization authorized by God to establish public worship. Vermeersch says that for Catholics to sing the *Te Deum* together with non-Catholics in a non-Catholic church as an expression of common joy, even when it has a religious signification, is not intrinsically wrong, although Catholics should not do it.[72]

[69] *Op. cit.*, Tom. II, n. 147, 8, p. 124.
[70] *Op. cit.*, n. 154, 10°, pp. 159-160.
[71] Prümmer, *loc. cit.*
[72] *Loc. cit.*, n. 147, 9, pp. 124-125.

It seems, however, that an action of this kind always has a religious signification, and hence it implies an approval of non-Catholic worship, and is an expression of religious indifference. It seems, therefore, to be wrong. The Holy See has allowed Catholic civil officials to assist only passively at non-Catholic religious celebrations commanded by the state at which the doxology was sung.[73] The mind of the Church is that Catholics have their religious celebrations separately in their own churches.[74]

Playing the organ, or other musical instruments in the course of a non-Catholic religious service, but not as a part, or as an ornament of it, will not constitute a religious participation, for example, to do so in honor of a non-Catholic king who is present.[75] Similarly, it contains no religious communication to play the organ or other musical instruments, or to sing hymns which are orthodox, for profane purposes in non-Catholic churches outside all occasion of cult.[76] The use of the church, however, brings in some co-operation, and there must be a proportionate reason present to justify such activity. For a Catholic to sing hymns containing errors in faith, even outside the occasion of a religious function, is a formal religious communication, as an external expression of wrong doctrine. This could apply to some negro spirituals. On the part of a Catholic organist accompanying such hymns there is a formal co-operation, because in the circumstance the music makes the external expression of wrong doctrine more appealing.

C. Sermons and Speeches

Per se, to listen to heretical and schismatic sermons is not considered as a sign of the profession of false doctrine.[77] The general attitude of the older theologians towards the sermons of non-Catholics, in places made up of a mixed community of Catholics and non-

[73] *Instructio S. C. S. Officii,* May 12, 1841, *Coll. S.C.P.F.,* Vol. I, n. 921, p. 519.

[74] Cf. *Littera Encyclica S. C. de Prop. Fide,* April 25, 1902, *Coll. S.C.P.F.,* Vol. II, n. 2136, p. 425.

[75] Lehmkuhl, *op. cit.,* Vol. I, n. 813, p. 450; Merkelbach, *op. cit.,* Tom. I, n. 758, (3), note 2, p. 586.

[76] Konings, *op. cit.,* Vol. I, n. 313, (1), p. 142.

[77] Marc-Gestermann, *op. cit.,* Tom. I, n. 449, 1°, p. 287.

Catholics, is that the hearing of them is indifferent in itself, but to hear them regularly demands a just and proportionate cause, because of the dangers of scandal, perversion, or communicating in religious rites, or because of an ecclesiastical law forbidding it. Becanus says that the hearing of such sermons can be ordained to different ends: to the cult of a false religion; to the refutation of error, which is a licit purpose if there is no scandal or danger of perversion present. As a confirmation of this, he maintains that hearing the word of Christ can be done to learn His doctrine or to oppose it.[78]

The refutation of errors is the most usual cause given to justify the hearing of such sermons.[79] Becanus calls this the common practice, and says that prudent men are seen to do it without scruple. The Salmanticenses note that this is especially for the learned. Busembaum demands a just cause,[80] and Castro Paolo a grave cause.[81] Sanchez believes that scandal is present very easily, especially if only heretics usually attend the sermons. The Salmanticenses say that to hear such sermons once or twice out of curiosity would not be mortal, but to do so frequently, even from this motive, would surely be mortal, because of the scandal involved, and because it would not justify exposing one's self to the great danger of perversion. Sporer holds that it is surely mortal to hear these sermons frequently and without a legitimate cause, but that to do so one or the other time out of curiosity would be venial or no sin at all. De Lugo and Castro Paolo do not consider curiosity a sufficient reason. In 1770 the Holy

[78] *Summa Theologiae Scholasticae,* Pars III, Tract I, Cap. IX, Qu. 5, n. 17, p. 470.

[79] Salmanticenses, *Cursus Theologiae Moralis,* Tom. V, Tract. XXI, Cap. II, Punct. XI, n. 122, p. 92; De Lugo, *De Virtute Fidei Divinae,* Disp. XIV, Sect. V, § VI, n. 171, *op. cit.* Tom. I, p. 561; Sanchez, *op. cit.,* Tom. I, Lib. II, Cap. IV, n. 26, p. 97; De Valentia, *Commentarii Theologicii in totam Summam S. Thomae Aq.,* Tom. III, Disp. I, Qu. III, Punct. II, pp. 416-417; Sporer, *op. cit.,* Tom. I, Tract. II, *in I Praecepto Decalogi,* Cap. II, Assert. V, § IV, III, p. 170; Bonacina, *op. cit.,* Tom. II, Disp. III, Qu. II, Punct. III, n. 22, p. 153; Laymann, *op. cit.,* Lib. II, Tract. I, Cap. XI, n. 5, p. 153.

[80] In La Croix, *Theologia Moralis,* Tom. I, Lib. II, Tract. I, Cap. III, n. 54, XI, p. 169.

[81] *Op. cit.,* Tom. I, Tract. IV, Disp. I, Punct. XVII, n. 12, p. 264.

Office stated that as a rule (*regulariter*) it is not licit for Catholics to be present at the sermons of heretics or schismatics.[82]

In our times hearing sermons is a part of the exercise of religious worship. In fact, sermons frequently constitute the principal part of non-Catholic services. Sermons in the various churches are attended usually only by the members of each sect. To unite one's self, even only materially, with such a group is liable to be regarded as a communication in religious matters. Kenrick seems to confirm this view when he states that the sermons of heretics are not to be heard because of the danger and appearance of favoring heresy.[83] Noldin-Schmitt expressly say that to assist at non-Catholic sermons is a religious participation *per se*.[84] Prümmer implies that non-Catholic sermons are a religious function, for, after saying that they may be heard on occasion, he goes on to mention attendance at other religious functions.[85] This being the case, material assistance at them is to be governed by canon 1258, § 2. Ordinary sermons, that is, those which are not a part of the solemnities at which material presence can be tolerated for a grave reason of civil duty or honor, are to be judged according to the principles justifying such presence at ordinary non-Catholic services. When they are not a part of a solemnity embraced by canon 1258, § 2, material presence at them can be tolerated for a proportionately grave reason, other than one of mere civil duty or honor, the dangers of scandal and perversion being excluded. The statement of Sabetti-Barrett that among us material presence at non-Catholic sermons is no sin, when from the circumstances it is evident that there is no participation in non-Catholic rites,[86] seems to be too broad. It is true in so far as the hearing of such sermons at times, as a part of some religious solemnity, is looked upon in this light. But it seems there is no such general common estimation regarding sermons only. If there is a custom of this kind in some places, although it is to be deplored, Catholics may observe it as long as the Bishop does nothing about it, and as long as the natural law is not violated. Prümmer believes that, in practice, it is rare for

[82] May 10, 1770, *Coll. S.C.P.F.*, Vol. I, n. 478, pp. 301-302.
[83] *Op. cit.*, Tom. II, Tract. XIII, *n.* 33, p. 46.
[84] *Op. cit.*, Tom. II, n. 39, 4, b, p. 40.
[85] *Op. cit.*, Tom. I, n. 527, p. 373.
[86] *Op. cit.*, n. 154, 6°, p. 159.

all danger of perversion to be absent when these sermons are heard.[87] Hence, it must be guarded against when a Catholic is otherwise justified in listening to them. It will be practical, perhaps necessary at times, to take means to be distracted from the sermons.

The refutation of errors is a cause given even by some modern authors as sufficient to justify the hearing of these sermons.[88] Such occasions will be very rare, and will hardly ever occur for a lay person, unless perhaps one very capable and strong in the faith were delegated by a priest to do so for some very special reason. Regarding curiosity as a cause, the same is to be said as for ordinary non-Catholic services, although Aertnys-Damen allow this reason one or the other time without sin.[89] There is greater reason for excluding curiosity as a justifying cause for the hearing of sermons, because, all other things being equal, there is greater possibility of harm to one's self.

Some authors treat the question of hearing non-Catholic sermons over the radio.[90] This is not forbidden by the law of the Church,[91] because it does not contain a participation in non-Catholic rites, nor a physical presence at them. The morality is to be taken from the natural law, which generally enters in, because of the dangers of scandal and of perversion. Marc-Gestermann seem to hold that it is not licit in general to hear sermons in this way, unless in a particular case all dangers are excluded. It would be clearly wrong to listen to these sermons by means of a radio with a wrong intention, or out of sympathy with any false doctrine they may contain, or with frequency. Scandal is present especially when parents allow their children the free use of the radio at a time when sermons are being broadcast, if there is danger that the children will listen to the sermons.[92] There can be scandal, too, when the radio is tuned in so

[87] *Loc. cit.*

[88] Merkelbach, *op. cit.*, Tom. I, n. 758, (4), p. 586; Noldin-Schmitt, *op. cit.*, Tom. I, n. 39, 4, b, B, p. 40.

[89] *Op. cit.*, Tom. I, n. 314, II, Quaer. 5°, p. 237.

[90] Prümmer, *op. cit.*, Tom. I, n. 527, p. 373; Marc-Gestermann, *op. cit.*, Tom. I, n. 449, 1°, note 1, p. 287; Sabetti-Barrett, *op. cit.*, *Addenda*, n. 115, pp. 1143-1144; Iorio, *op. cit.*, Vol. I, n. 277, 3°, p. 231.

[91] Sabetti-Barrett, *loc. cit.*

[92] Sabetti-Barrett, *loc. cit.*

loudly that the neighbors can know what is being heard. To listen in on these sermons rarely out of curiosity will not be wrong when no dangers are present; to do so frequently will involve some danger, and will be wrong, according to the gravity of the danger. The safe and ordinary rule for Catholics, however, should be never to listen to these sermons over the radio.

According to Iorio it is licit for Catholics, for a just and grave cause, to listen to non-Catholic sermons being delivered on street corners, or in parks.[93] A cause of this kind will be verified only very rarely. There is danger of an informal discussion on religion arising, for which a Catholic must be firm in the faith, and sufficiently learned, and he must judge that benefit will be derived from the discussion.[94] A discussion of this kind may easily prove detrimental to the faith of a Catholic, because of the art and cunning of the proponents of the non-Catholic cause. However, this would probably not be a formal discussion on religion with non-Catholics as forbidden by the law of the Church.[95]

An associated question is that of Catholics giving sermons, or talks, in non-Catholic churches, or in mixed gatherings, at which a non-Catholic minister presides or offers prayers. Various possibilities present themselves. If there is question of a Catholic priest preaching in a non-Catholic church, regard must be had for a response given by the Sacred Penitentiary in 1674.[96] The Holy See was asked whether Catholic missionaries and priests could preach in such churches at the request of schismatics. In the reply a distinction was made. They could do so when invited to preach Catholic doctrine and even against the errors of the schismatics; they could not, if they were to give a sermon treating of virtues and vices, which are to be practiced or avoided by both Catholics and non-Catholics. In applying this matter to our country, Konings concludes that a priest is not to be blamed who preaches Catholic truth in a non-Catholic church, not upon the invitation of non-Catholics, but at his own re-

[93] *Loc. cit.*

[94] Cf. Merkelbach, *op. cit.*, Tom. I, n. 757, 3, p. 585.

[95] Canon 1325, § 3.

[96] Cf. Scavini, *Theologia Moralis Universa ad mentem S. Alphonsi*, Lib. II, n. 1017, q. 5, p. 736.

quest, when there is no Catholic church or another suitable place, as a hall, available. Outside this case he believes it better to abstain in order to avoid any kind of association in matters of religion, and to prevent the faithful from entering non-Catholic churches.[97] It might be mentioned that Bishop John England often preached in non-Catholic churches.[98]

A layman may be called upon to give a speech on temperance, liberty, and so forth, in non-Catholic churches. Although religious communication is not necessarily involved here, this should not be done, especially if non-Catholics are to speak on the same occasion, for they not infrequently exceed just limits, and bring in much contrary to the faith, which the Catholic may, or may not, answer. A layman is not always able to answer objections satisfactorily; if he does not answer them, his silence may be considered as an approbation of false doctrine, or as an admission that his religion cannot be defended.[99] These possibilities, when realized, bring about at least an external communication in error, and are an occasion of scandal.

When a Catholic is invited to give a speech in a non-Catholic church and a non-Catholic minister presides, or offers prayers before or after the talk, the Catholic can hardly be allowed to accept, because in the circumstances it seems to involve an association of religion. It seems that in a case of this kind there is an active participation in a non-Catholic religious service; the circumstances of the place and the prayers of the minister seem to be so closely connected with the talk that the latter cannot be considered as a separate and distinct entity.[100] When a profane place, or the open air, is substituted for a non-Catholic church, a Catholic may give a talk on the occasion of some national feast, or of some civil solemnity, for example, the dedication of a new auditorium, or the anniversary of a battle at the graves of those who sacrificed their lives, even though

[97] *Op. cit.*, Vol. I, n. 254, 6°, (a), p. 112.

[98] Guilday, *The Life and Times of John England*, Vol. II, pp. 2 and 7.

[99] Konings, *loc. cit.*, n. 254, 6°, (b), p. 113.

[100] A confirmation of this is the fact that Kenrick says that it is illicit for Catholics to hear musical concerts in non-Catholic churches, for generally a minister offers a prayer, or gives a sermon, by which the occasion has the appearance of a sacred rite, *op. cit.*, Tom. II, Tr. XIII, n. 35, p. 47.

a non-Catholic minister offers prayers. In these circumstances, the Catholic, in giving a talk, is not considered to enter into an association of religion. If he were considered to do so, the same could be said of Catholic speakers in legislative bodies, for it frequently happens that a non-Catholic minister prays at the beginning of each session. What is said of Catholic speakers in this latter case applies, also, to Catholic individuals, and Catholic societies. The societies may bring their banners, too, which bear the image of the Saint, under whose invocation they exist, for their assistance is only a civil communication.[101]

D. Manner of Acting During non-Catholic Religious Services

Since Catholics may be materially present at non-Catholic services under certain conditions, it is in order to determine what they may do without exceeding the limits of material or passive presence. Older authors hold that servants may kneel (*genuflectere*) when the master does so, because it is a part of their task.[102] This opinion is based on the conduct of Naaman as mentioned in Holy Scripture.[103] De Lugo disapproves of kneeling in these circumstances, because, to his mind, it is no more a mark of respect for the master than striking the breast would be when he did so; striking the breast is a sign of religious worship; kneeling, too, is a sign, not of civil respect, but of reverence on the part of the one kneeling. He does not consider the example of kneeling on the part of Naaman as an exception to his opinion, for he knelt to be in a position to support the king.[104] Kenrick believed that, among us, kneeling was looked upon as done only for the sake of politeness. He does not favor this attitude, however, for he teaches that kneeling is to be reprobated entirely as favoring heresy, and as involving the danger of perversion and bad example. Hence, he does not allow servants to do it, when their masters are wont to insist upon it.[105] Konings cites this pas-

[101] Cf. Konings, *loc. cit.*, n. 254, 6°, (c), p. 113.

[102] Salmanticenses, *Cursus Theologiae Moralis*, Tom. V, Tract. XXI, Cap. II, Punct. XI, n. 121, p. 92. They say this is the common opinion to which De Lugo is an exception.

[103] *IV Kings* 5/18-19. Cf. p. 42.

[104] *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § VI, n. 173, *Disputationes Scholasticae et Morales*, Tom. I, pp. 561-562.

[105] *Op. cit.*, Tom. II, Tr. XIII, n. 33, p. 47.

sage of Kenrick's, but he believes that kneeling has a signification of politeness only when it is done occasionally.[106] Marc-Gestermann do not disapprove of kneeling, *provided it is not done formally and only at times.*[107] In itself kneeling at religious worship implies a religious attitude, rather than one of mere respect and decorum, which is all that should be reasonably expected at religious services when a person does not adhere to the tenets and practices of a sect. Even if there is a custom looking upon kneeling merely as an act of politeness, it is not to be encouraged by Catholics. It will hardly ever be in order, except when one is in the presence of the Blessed Sacrament, as in a schismatic church.[108] There it is licit to show reverence to the Blessed Sacrament (for example, to genuflect), and to pray privately before It or the statues of the saints, provided it is sufficiently clear that a formal union with others present is not indicated by this manner of acting.[109] But to kneel before the "sacrament" in an Anglican church would be an act of idolatry, if a minister with Anglican orders attempted the consecration. Not to kneel during non-Catholic services will not give offense ordinarily, for it generally happens that non-Catholics do not kneel when they attend Catholic services. There is no need for Catholics to be "broad-minded" in a matter of this kind. Kneeling on such occasions, besides the dangers mentioned by Kenrick, fosters the all too prevalent attitude of religious indifference.

Apart from this, courtesy and etiquette demand that a Catholic observe the ordinary marks of respect, when he is present at non-Catholic services, at the same time abstaining from all religious attention, even only external. Marks of respect bear only a civil signification. Vermeersch particularizes this principle when he says that acts indifferent in themselves, which are considered as required by politeness in some way, ought not to be omitted on these occasions, as, for example, to uncover the head, and to stand when the others stand.[110]

[106] *Op. cit.*, Vol. I, n. 254, 5°, p. 112.
[107] *Op. cit.*, Tom. I, n. 449, 9°, p. 288.
[108] Vermeersch, *op. cit.*, Tom. II, n. 52, (b), p. 46.
[109] *Cf.* Merkelbach, *op. cit.*, Tom. 3, n. 758, (2), p. 586.
[110] *Loc. cit.*, pp. 46-47.

E. "Simultaneous" Churches

At times Catholics may have their own services in churches which are not exclusively Catholic. This may be in a non-Catholic church, as belonging to some sect, or in a church for the use of two, or more, religions. A common, or "simultaneous" church is one in which Catholics and non-Catholics hold services at different hours.[111] The use of the same church by both Catholics and non-Catholics pertains *per se* to communication in religious matters, for it has the appearance of an acknowledgment of non-Catholic rites, or it offers Catholics an occasion of communication with non-Catholics in their religious rites.[112] It can be tolerated by the Church at times, however, if nothing else can be done and conditions render the confusion of religions impossible, and if there is no scandal,[113] because this use is not, by its very nature, a communication in the same sacred things.[114]

The Church has forbidden, and forbids today in her common law, the celebration of Mass in schismatic or heretical churches,[115] even though different altars are used.[116] Clement XI permitted Catholic services in "simultaneous" churches in Switzerland.[117] The Holy See has allowed missionaries to say Mass in schismatic churches under certain conditions for a grave cause in order to promote conversions more easily through the sight of the sacred ceremonies. This contained the provision that the common altar be a bare table, which was to be arranged for Mass with an altar stone, cloths, crucifix, candlesticks, and all else required by the rite in which it was celebrated.[118] On December 1, 1757, the Holy Office said that the simultaneous use of a schismatic church could be tolerated if the

[111] Augustine, *op. cit.*, Vol. IV, p. 174, note 85.

[112] Merkelbach, *op. cit.*, Tom. I, n. 753, (d), p. 583; Tanquerey, *Synopsis Theologiae Moralis*, Tom. II, n. 681, (b), p. 487.

[113] Merkelbach, *loc. cit.*

[114] Noldin-Schmitt, *op. cit.*, Tom. II, n. 39, 1, pp. 38-39.

[115] *S. C. de Prop. Fide*, May 21, 1627, *Coll. S.C.P.F.*, Vol. I, n. 34, p. 11; canon 823, § 1.

[116] *S. C. de Prop. Fide*, August 13, 1627, *Coll. S.C.P.F.*, Vol. I, n. 36, p. 11.

[117] *S. C. S. Officii*, June 13, 1634, *Coll. S.C.P.F.*, Vol. I, n. 75, p. 19.

[118] *S. C. S. Officii*, April 12, 1704, *Coll. S.C.P.F.*, Vol. I, n. 265, p. 90.

Catholics and the schismatics had separate parts of the church for their services. If this were not the case the Catholic priest should use a portable altar.[119] Pope Pius IX forbade the toleration of the use of the same church by Catholics and "Old Catholics" in 1873.[120] Today different sects are allowed to use the Church of the Holy Sepulchre in Jerusalem for their religious rites.[121]

Many, if not most, of the chapels provided in the camps of our armed forces are "simultaneous" chapels. The faculties given to our chaplains allow them "to celebrate all the divine offices and ecclesiastical functions in chapels assigned to the armed forces, whether or not these chapels have been reserved exclusively to Catholics, unless prevented by the rubrics."[122] This faculty refers to a response of the Holy Office given on June 5, 1889, concerning a "simultaneous" chapel provided by the British Government.[123] In this response it was stated that the use of the chapel could be tolerated according to the mind of the Holy See, provided there was no other church the Catholic soldiers could use, and provided there was no scandal. The mind of the Holy See was that an attempt should be made to obtain a chapel for the exclusive use of the Catholics from the government, and that, if the government refused, a Catholic chapel should be built as soon as possible to be paid for by offerings secured from any source. The fact that this response is cited seems to indicate that this is still the mind of the Holy See. It is impossible, however, to fulfill it, and use of the "simultaneous" chapels is being made to the spiritual advantage of our Catholic service men, with the evils being guarded against. It is interesting to note that there is an exclusively Catholic chapel, distinct from the post chapel, at the United States Military Academy in West Point, New York. It was provided by private funds contributed by Catholics.

[119] *Coll. S.C.P.F.*, Vol. I, n. 408, p. 258.

[120] Cf. Konings-Putzer, *Commentarium in Facultates Apostolicas*, n. 161, III, b, p. 240.

[121] Cf. Noldin-Schmitt, *op. cit.*, Tom. II, n. 39, 1, pp. 38-39; McHugh-Callan, *Moral Theology*, Vol. I, n. 972, (a), p. 381.

[122] *Facultates Castrenses*, p. 19; *ER*, Vol. CVII (1942), p. 30. The rubrics are those for semi-public oratories.

[123] *Coll. S.C.P.F.*, Vol. II, n. 1707, p. 237.

F. Prayers with non-Catholic Individuals

Per se it is not illicit to offer orthodox prayers, that is, those containing nothing against faith, or those not distinctively non-Catholic, privately with non-Catholics.[123] This is true even if the non-Catholics give the invitation and lead the prayers. It will be illicit, if there is danger of violating the natural law, for example, by way of scandal or perversion. Hence, the Catholic version of the Our Father may be said privately with non-Catholics;[125] a Catholic wife and her children may say this prayer with a non-Catholic father of the family.[126] Although the Protestant termination of the Our Father contains nothing false, a Catholic may not say it with non-Catholics, even privately, because it is an official Protestant prayer. A writer in *Perfice Munus* mentions the case of saying night prayers with a non-Catholic family.[127] This might happen in the case of a Catholic servant, or of a Catholic child being raised in a non-Catholic household. He says that, although this is not forbidden *per se*, it should not be done spontaneously, for it may easily be dangerous. It may lead to a gradual loss of a horror for heresy, and to the persuasion that truth can be harmonized with error. He believes that spiritual harm is inevitable if prayers to the Blessed Virgin are excluded; this omission, besides, has an implication of heresy. This is a reasonable attitude for such cases, and the practice cannot be justified ordinarily.

It is wrong to join in the recitation of prayers offered before or after a meal by an heretical minister as a minister. When he does so as the oldest person dedicated to sacred things, where custom gives that duty to the senior, it does not seem to be forbidden, because there is no authority given to him as a minister.[128] Vermeersch believes, however, that in the absence of a custom of this kind it should not be done. All this presupposes the prayers contain nothing against the faith.

[124] Cf. Aertnys-Damen, *op. cit.*, Tom. I, n. 314, II, Quaer. 5°, p. 237; Noldin-Schmitt, *op. cit.*, Tom. II, n. 38, 2, b, p. 38; Beste, *op. cit.*, p. 615; *Perfice Munus*, Vol. XI (1936), p. 79; and others.

[125] Noldin-Schmitt, *loc. cit.*

[126] Beste, *loc. cit.*

[127] *Loc. cit.*, pp. 81-82.

[128] Vermeersch, *op. cit.*, Tom. II, n. 147, 10, p. 125.

When a Catholic has a legitimate reason for being present where unorthodox prayers are said privately he must be passive. Barring any dangers of violation of the natural law, the reason need not be very great. If the non-Catholics take offense, the Catholic should explain his manner of acting in such a way as to render that offense unnecessary.

G. Swearing on the non-Catholic Bible

Catholics are not to be disturbed who swear by touching or kissing the non-Catholic Bible, as is sometimes required when taking a public oath.[129] In these cases the Bible is looked upon as a sacred book, and not as unduly edited or perhaps falsified.[130] A Catholic may not swear by touching or kissing the non-Catholic Bible, if it is a sign of an approval of Protestantism, or Masonry; nor may he swear by words or by other signs, which according to local usage, manifest belief in the creed of some sect.[131] McHugh-Callan warn that, if swearing by touching or kissing the non-Catholic Bible is not general, there might be scandal if no protest is made.

Article II. Sacraments and Sacramentals

A. General Observations

In treating the matter of communication in sacraments given by non-Catholics, there can be question only of validly ordained ministers in regard to most of them. Such ministers are absolutely necessary for all the sacraments except Baptism and Matrimony. The religious communication contained in matrimony itself, that is, in mixed marriages, will not be discussed. It is a lengthy and complicated question having a history and legislation all its own.

The participation in the sacraments administered by non-Catholic ministers embraces a problem distinct from that of receiving sacraments from excommunicated clerics. The delicts of heresy, schism, and apostasy are only three of those punished with excommunication. The rules regarding the conferring of sacraments by excommunicated clerics are contained in canon 2261. This canon refers to the clerics

[129] *S. C. S. Officii*, Feb. 23, 1820, *Coll. S.C.P.F.*, Vol. I, n. 739, p. 432.
[130] Merkelbach, *op. cit.*, Tom. I, n. 788, (2), note 1, p. 586.
[131] McHugh-Callan, *op. cit.*, Vol. I, n. 971, (a), p. 380.

as excommunicated individuals, not as ministers functioning in the name of some non-Catholic sect. When a validly ordained minister functions as a minister of a non-Catholic sect, his ministrations are representative of the doctrine of that sect, and, hence, communication in the sacraments with him contains a communication in his sect, and that, indeed, formal. Such communication contains a recognition of an unauthorized minister of religion, which implies an approval of unauthorized cult of God.

In times immediately following the separation from Catholicism in the various countries there was a latitude in applying the Constitution of Martin V regarding the reception of the sacraments from heretical ministers. This latitude was restricted, however, within the limits of ecclesiastical law. De Lugo states expressly that the divine law must be observed in these cases. It will be involved if the danger of perversion is to be feared, if scandal follows, if there is an implicit communication in false doctrine or false rites, if an occasion of administering a sacrament unworthily is given to an heretic unnecessarily, and so forth.[132] Sayrus Anglus also mentions these circumstances, including the apparent consent, or approval, of the sect of the minister.[133] Konings, in considering the reception of sacraments from excommunicated ministers in relation to the divine law, says that it is ordinarily forbidden to receive them publicly from a tolerated minister, at least on account of the contempt of the censure which proceeds from that act. Then he adds:

> This is to be extended *a fortiori* to those excommunicated ministers who have been enrolled in an heretical or schismatic sect. For, although it cannot be doubted that they are commonly to be listed among those who are tolerated, the Church has always regarded communication with them as illicit in general, because by this communication the divine or natural law is wounded by reason of the danger of perversion, or of participation in an heretical or schismatic rite, or of the danger and occasion of scandal.[134]

[132] *De Virtute Fidei Divinae,* Disp. XXII, Sect. I, n. 3, *Disputationes Scholasticae et Morales,* Tom. II, p. 83; Sect. II, n. 11, p. 86.

[133] *Clavis Regia Sacerdotum, Casuum Conscientiae sive Theologiae Moralis,* Lib. II, Cap. II, n. 20, p. 99.

[134] *Op. cit.,* Vol. II, n. 1243, Qu. 5°, p. 18.

Merkelbach puts down the general principle that it is illicit to ask for the sacraments from the minister of an heretical or schismatic sect, because a request of that kind is an implicit acknowledgment of the authority of the minister and of the sect.[135] Because these circumstances are ordinarily present the authors concern themselves with the reception of sacraments in danger of death, in cases where these circumstances can be removed. In danger of death formal communication is eliminated when it is manifest that the non-Catholic minister is not used as a minister of his sect, but as a minister authorized by the Catholic Church for this case. When this is evident the factor of any scandal, except accepted (*scandalum acceptum*), is removed, and this latter can be permitted on account of the grave reason that is present. The danger of perversion must be guarded against. Even if these circumstances introducing violations of faith or charity are not present, it will still be illicit, outside a case of extreme necessity, to communicate in the sacraments with these ministers, because they are ordinarily unapproved by the Church and legitimately function in her name only in certain circumstances. This presupposes the minister will probably use the Catholic rite of administration. If he uses a non-Catholic rite there can be no question of consenting to his ministration;[136] a non-Catholic rite introduces an immediate participation in illicit cult, and an implicit profession of a false sect.[137] A non-Catholic rite is one having the authorization of a non-Catholic religious body. It may be invalid, or it may be essentially and substantially valid as to the matter and form of a sacrament and different in accidental ceremonies, some of which may be hostile to the Church. A non-Catholic rite, even if it is the same as a Catholic rite, is used by a non-Catholic priest with the authorization of a non-Catholic sect when he functions as a minister of that sect.

For the valid ministration of the sacraments a minister must have the power of orders,[138] he must have the intention at least of do-

[135] *Op. cit.*, Tom. I, n. 755, p. 584.

[136] Schmalzgrueber, *Jus Ecclesiasticum Universum*, Tom. V, Pars I, Tit. VII, n. 218, p. 348; Gotti, *Theologia Scholastico-Dogmatica iuxta mentem Divi Thomae Aquinatis*, Tom. II, Tract. X, Q. III, Dub. III, § II, n. X, p. 385.

[137] Merkelbach, *loc. cit.*

[138] This is *de fide*, Trent, Sess. VII, canon 10, *DB*, 853.

ing what the Church does,[139] and he must use matter and form which are substantially integral, that is, there must be no substantial defect or change in either of them.[140] Exceptions to the requirement of the power of orders are found in the administration of Baptism, in the distribution of the Holy Eucharist, which are permitted to a lay person in a sufficiently grave necessity, and in the sacrament of Matrimony. The validity of a sacrament does not depend on the faith of the minister. The Council of Trent has defined that Baptism given by a heretic is valid; [141] it is theologically certain concerning the other sacraments from the common consent and practice of the Church, and from a parity with the arguments used for Baptism.[142] The attitude of the Church in this matter has been made manifest in many pronouncements.[143] The sacraments operate, not by virtue of the faith of the minister, but by divine power and through the merits of Christ. St. Thomas argues that faith pertains to the personal perfection of a man, not to the perfection of a sacrament which he administers instrumentally. Hence a person without the virtue of faith can give a true sacrament, provided what is necessary for the sacrament is present.[144]

For the lawful administration of the sacraments a minister (1) must have legitimate authorization, (2) must be in the state of grace, (3) must be attentive, (4) must have certitude of the matter and form, and of the capacity of the subject, (5) must observe the rites of the Church, and (6) must distinguish between those who approach worthily and unworthily.[145] Since, however, not all these

[139] This is *de fide*, Trent. Sess. VII, canon 11, *DB*, 854. It is certain that the intention must be internal, Lercher, *Institutiones Theologiae Dogmaticae*, Vol. IV, n. 251, p. 283.

[140] Aertnys-Damen, *op. cit.*, Tom. II, n. 6, II, p. 7.

[141] Trent, Sess. VII, canon 4, *DB*, 860.

[142] Merkelbach, *op. cit.*, Tom. III, n. 75, p. 68.

[143] Councils: Arles (314), canon 8, Mansi, Tom. II, col. 472; Constantinople I (381), canon 6, Mansi, Tom. III, cols. 573-574; Nice (325), canons 8 and 19, Mansi, Tom. II, cols. 671, 675-678. Innocent III, *Professio Fidei Waldensibus Praescripta*, *DB*, 424; John XXII, *Contra Fratricellos*, *DB*, 486 and 488; Eugene IV, *Decretum pro Armenis*, *DB*, 696.

[144] III, q. 64, a. 9.

[145] Aertnys-Damen, *op. cit.*, Tom. II, nos. 9-22, pp. 12-21.

conditions have a direct bearing on the point here, not all will be treated.

The legitimate authorization to administer the sacraments derived from the Church is necessary because the effecting and the administration of the sacraments have been committed to the ministry of the Church by Christ. Therefore, no one has the right to do either unless deputed by the Church. Speaking in general, only those having the priesthood, as ordinary ministers, and deacons, as extraordinary ministers for solemn Baptism and Holy Communion with the (at least presumed) permission of a pastor, are destined to administer the sacraments (but the fullness of the priesthood is necessary in the minister of Sacred Orders); this is through the character of Holy Orders. Matrimony and private Baptism are to be excepted; for in the former sacrament the spouses are the ministers toward each other, and in regard to Baptism any person who has the use of reason can baptize validly, and licitly, too, in necessity. In addition to the power of orders, ministers of the sacraments need the power of jurisdiction, either ordinary, from an office, or delegated, from one who has ordinary power. Although jurisdiction is necessary usually only for lawfulness, in the sacrament of Penance it is necessary for validity. The minister of Penance is a judge, and in a judge jurisdiction is necessary for the validity of the judgment.[146] Moreover, a priest must not have lost the authorization to administer the sacraments, as the excommunicated do under certain conditions.[147] As a rule, validly ordained priests of non-Catholic sects do not have jurisdiction to administer the sacraments to Catholics; they never have ordinary care of the souls of Catholics; only rarely will they have jurisdiction delegated to them by the Church.

In one place St. Thomas taught that the administration of Baptism alone is permitted to heretical and schismatic ministers, but that in no case can they licitly consecrate the Eucharist, or confer the other sacraments.[148] This does not agree with his teaching that

[146] It is certain that jurisdiction is necessary by divine law for the minister of Penance, and that it is not received in ordination, cf. Trent, Sess. XIV, Cap. 7, *DB*, 903; Merkelbach, *op. cit.*, Tom. III, n. 577, p. 531.

[147] Cf. Aertnys-Damen, *loc. cit.*, n. 9, p. 12.

[148] III, q. 82, a. 7, ad 2.

a penitent can be absolved by any priest *in articulo mortis*.[149] Sylvius explains this difficulty by saying that heretics and schismatics can licitly baptize in necessity even if they remain such and impenitent, but that no other sacrament can be conferred by them licitly unless they repent at least internally. In the administration of the other sacraments it is necessary that they act as ministers of Christ specially deputed and consecrated for this office. Hence they should conform to Him through a true conversion of heart. In administering Baptism at a time of necessity they can act, not as persons deputed for administering it, but as complying with the necessity.[150]

Ministers of the sacraments are obliged to use the rite of the Church. They are not to administer them, outside a case of urgent necessity, unless they observe the solemnities and ceremonies instituted by the Church.[151] The law of the Church demands that the rites and ceremonies prescribed in the approved ritual books be accurately observed.[152] The use of a non-Catholic rite, that is, one not authorized by the Church, is illicit, because the Church is the only legitimate supervisor of the public cult of God. A non-Catholic rite is unauthorized for legitimate public cult, and implies an approval of an illegitimate authority in religious matters. When a non-Catholic priest is allowed to administer a sacrament to a Catholic, however, the use of non-Catholic ceremonies can be tolerated, provided the rite is essentially and substantially valid, and provided any approval of the rite or sect, as well as any other violation of the divine law, is removed.[153]

It is sinful to co-operate in an illicit administration of the sacraments without a sufficient reason. A person about to receive a sacrament is obliged by charity and religion to receive it from a worthy minister, to avoid scandal in asking for it, and to avoid co-operation

[149] *Supplementum*, q. 8, a. 6.

[150] *Commentarium in Summam S. Thomae Aquinatis*, Tom. IV, p. 289.

[151] The Council of Trent has defined that the rites accustomed to be used in the solemn administration of the sacraments cannot be contemned or omitted at will without sin, or changed for new ones by any pastor of the Church, Sess. VII, canon 13, *DB*, 856.

[152] Canon 733, § 1.

[153] Cf. Suarez, *Defensio Fidei*, Lib. VI, Cap. IX, n. 29, *Opera Omnia*, Tom. XXIV, p. 713.

in its irreverent administration. He sins gravely who asks for or receives a sacrament from a minister who will administer it invalidly, or with doubtful validity, because he directly induces, or co-operates in, an act which is intrinsically wrong. He sins gravely, too, who asks for or receives a sacrament from an heretical or schismatic minister as such, because of the formal religious communication involved; this excludes cases of extreme necessity when the non-Catholic minister receives authorization from the Church in certain conditions.[154]

B. Baptism

1. Non-Catholic Ministers

Baptism of water in reality, or in desire, is necessary for the salvation of all men with a necessity of means.[155] The baptism of desire will not suffice, if it is at all possible to receive baptism of water. This is true even if one has been mortally wounded as a future martyr of the faith, and there is still an opportunity to baptize him with water. Baptism, then, admits of cases of extreme necessity, for example, when a baby is in danger of death and has not been baptized.

If there would be a possibility of solemn Baptism in a case of extreme necessity, which will rarely happen, only a Catholic priest, or a deacon who has at least legitimately presumed jurisdiction, may administer it.[156] When only private Baptism can be administered, the Church lays down definite norms to determine who is to be the minister:

> If a priest is present, he is to be preferred to a deacon, a deacon to a subdeacon, a cleric to a lay person, a man to a woman, unless for the sake of decency it is more becoming for a woman rather than a man to baptize, or unless a woman knows the form and manner of baptizing better.
>
> It is not licit for a father or a mother to baptize their child, except in danger of death, when there is no one else present who may baptize.[157]

[154] Cf. Merkelbach, *op. cit.*, Tom. III, n. 79, 1 and 2, p. 72.

[155] This is *de fide*, Trent, Sess. VII, canon 5, *DB*, 861; Sess. V, canon 4, *DB*, 791; Sess. VI, Cap. 4, *DB*, 796.

[156] Canons 738, § 1, and 741.

[157] Canon 742, § 2, and § 3.

Lehmkuhl says that this rule is to be understood in the sense that any faithful member of the Church, whether a man or a woman, provided the manner of baptizing is known to the person, is to be preferred altogether to any heretic, schismatic, or *vitandus*, even a priest.[158] Cappello is equally definite, for he says that Catholic laymen are certainly to be preferred to heretics and schismatics, even clerics.[159] As a basis for this opinion he cites a response of the Holy Office, wherein it was stated that schismatic priests were not to be permitted to administer the sacrament of Baptism except in a case of necessity when no Catholic at all was present.[160] Merkelbach states expressly that Baptism may be received from a non-Catholic minister only in extreme necessity, and in the absence of a Catholic layman.[161] When a priest is a minister of an heretical or a schismatic sect, the possibility of scandal must be taken into consideration, as well as the danger of perversion in the case of the baptism of an adult, and, also, that other Catholics can easily look upon such communication as a profession of a false sect.[162] It would be grave sin *per se* to prefer an infidel, an heretic, a schismatic, or a *vitandus* to a Catholic layman.[163] Lehmkuhl makes a priest of a non-Catholic sect equal to a *vitandus* for practical purposes, so there will be the same morality in preferring him to a Catholic layman.[164] When there is question of a choice between lay non-Catholics and non-Catholic

[158] *Op. cit.*, Vol. II, n. 93, p. 54. Cf. St. Alphonsus, *op. cit.*, Lib. VI, n. 117, Dub. 2°, ed. Gaudé, Tom. III, pp. 103-104.

[159] *De Sacramentis*, Vol. I, n. 147, p. 127.

[160] August 20, 1671, *Coll. S.C.P.F.*, Vol. I, n. 198, p. 69.

[161] *Op. cit.*, Tom. I, n. 755, (2), p. 584.

[162] Lehmkuhl, *op. cit.*, Vol. II, n. 72, III, p. 42. Cf. De Lugo, *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § V, n. 161, *op. cit.*, Tom. I, p. 558.

[163] Lehmkuhl, *op. cit.*, Vol. II, n. 93, p. 54; Merkelbach, *op. cit.*, Tom. II, n. 139, 3°, p. 116; Marc-Gestermann, *op. cit.*, Tom. II, n. 1463, 2°, p. 44. Vermeersch-Creusen admit that this is taught by some, but think a change in the order is venial, *Epitome Iuris Canonici*, Tom. II, n. 25, p. 13. The order seems to refer to Catholics, however; to prefer a non-Catholic to a Catholic would seem to be grave, otherwise an atheist who knew how to baptize would have to be preferred to a faithful Catholic woman.

[164] Cf. Marc-Gestermann, *op. cit.*, Tom. II, n. 1439, 1°, p. 29; Noldin-Schmitt, *op. cit.*, Tom. III, n. 43, 3, b, p. 42, who say that, although public heretics and schismatics are not *vitandi* in the juridic sense, it is not licit to ask for sacraments from them except in proximate danger of death.

priests, it seems the former are to be given the preference.[165] This is because of the special sinfulness connected with the employment of a minister of a non-Catholic sect. In preferring the layman the evils would be avoided, and the salvation of the person needing Baptism would be sufficiently safeguarded. In case only a Catholic parent is present besides a non-Catholic priest, the parent should do the baptizing, because of the pronouncement of the Holy See, cited above, which requires that no other Catholic be present in allowing the administration of Baptism by a schismatic priest.

Therefore, on account of the dangers involved and of the appearance of religious communication, a priest of a non-Catholic sect should be allowed to administer Baptism in extreme necessity when no Catholic lay person, and it seems, also, when no lay non-Catholic is present, who is able to baptize validly. The non-Catholic priest would be preferred, however, if there were some doubt about the ability of the lay person to baptize. When a non-Catholic priest is employed, precautions must be taken against any dangers which are present. If any scandal remains after sufficient precautions have been used against it, it will be accepted scandal, and need not be taken into consideration.[166] It must be made evident to the minister that he is being allowed to administer Baptism only through necessity,[167] and he should be limited to doing only what is necessary for a valid Baptism in as far as this can be done. Any accidental ceremonies proper to a non-Catholic rite could be tolerated in necessity.[168]

What has been said has referred to the administration of Baptism by a validly ordained priest. The doctrine applies *a fortiori* to a non-Catholic minister who is not ordained; he has no consecration to act as a minister of the sacraments. He is really only a layman.

[165] Cf. Müller, *Theologia Moralis*, Lib. III, T. II, § 59, 3, p. 150; Pius VI to the Bishops of France, May 28, 1793, *Bullarii Romani Continuatio*, Tom. 20, Pars 3, n. CMXLI, Qu. 5, p. 2622. In this response it was stated that Catholics could not approach one of the schismatic priests for the administration of Baptism, except in a case of extreme necessity when *no other person* was present, who was capable of baptizing.

[166] Cf. Sylvius, *op. cit.*, Tom. IV, Qu. 64, a. 6, Quaer. III, p. 171.

[167] De Lugo, *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § V, n. 161, *op. cit.*, Tom. I, p. 558.

[168] Cf. p. 91.

A difficult problem is introduced when parents are commanded by civil law under penalty to have their child baptized by a preacher. La Croix held that it is true, absolutely speaking, that parents commit a mortal sin in obeying such a command. He brings forth reasons for doubt, however, for he says that in a necessity of that kind the preacher is considered not as a lawful, but as a valid, minister of Baptism. If the parents were asked why they were seeking Baptism from that minister they would say, "because we are forced, and cannot avoid unjust vexation otherwise." This would not be a religious communication, but only a permission, and that under force, of those ceremonies, which could licitly be permitted in view of the grave harm to the parents.[169] In the opinion of St. Alphonsus a mortal sin is certainly involved here, because the parents are made to contemn the true religion, or at least to honor a false one, by this order. He refers to an Instruction of Pope Clement VIII (August 31, 1595) declaring that it is illicit to ask for the sacraments from schismatics outside cases of extreme necessity.[170] The response of the Holy Office of August 20, 1671, cited above, says the same about Baptism in particular. The Holy Office has made two other pronouncements on this point, one to Holland, and the other to Ireland, saying it is illicit for Catholics to offer their child for Baptism, or to consent to Baptism, by an heretical minister even under penalty of a fine.[171] The case in Ireland concerned a child who has been baptized already, but the parents consented to the heretic's ministrations to avoid the confiscation of their property. The Holy Office said these parents sinned gravely. Although the chief concern in this case may have been the unlawfulness of two baptisms, still the other pronouncements show that it is illicit to approach an heretical minister for Baptism.

Voit seems to favor the lawfulness of allowing the baptism in the circumstances on the grounds that a very few, at most, consider Baptism as a sign expressive of that religion in the rite of which it is re-

[169] *Theologia Moralis*, Tom. II, Lib. VI, p. 1, n. 282, p. 193.

[170] *Op. cit.*, Lib. VI, n. 117, Dub. 5°, ed. Gaudé, Tom. III, p. 105. Cf. *Fontes Iuris Canonici*, Vol. I, n. 179, pp. 343 seq.

[171] Sept. 26, 1668, *Coll. S.C.P.F.*, Vol. I, n. 169, p. 54; Nov. 29, 1672, ad 2, n. 205, p. 70.

ceived, because heretics have their children baptized by Catholics.[172] It is difficult to agree with this argumentation. Baptism cannot be looked upon as mere baptism without reference to a sect in the event of such a command, otherwise baptism alone would be ordered, and not baptism by a minister of a particular sect. A command of this kind is calculated to favor a non-Catholic sect, and to inflict public harm on the Catholic religion. Therefore, Catholics may not obey it, or positively permit its fulfillment, no matter what temporal loss they suffer in consequence. Noldin-Schmitt say that Catholic parents cannot positively permit it, but, if it cannot be avoided without a grave inconvenience, they can be allowed to be passive.[173] Davis holds that a Catholic may never ask for Baptism from an heretical or schismatic minister, but that a Catholic might allow such baptism for a child, if resistance had been tried and found useless.[174] It seems, then, that the proper solution for such cases is that Catholic parents may remain passive in the face of a grave inconvenience.

When it is certain that a child is going to be validly baptized by a non-Catholic minister, De Lugo believes it is better not to have a Catholic Baptism previously. For it seems to be a lesser evil to be baptized by a non-Catholic minister than to be re-baptized; of two evils the lesser is to be permitted when both cannot be avoided.[175] In the solution given, however, there is no positive permission of the non-Catholic baptism. There is no culpable connection of the Catholic parents with that baptism. In having a Catholic Baptism for their child they act within their rights, and the re-baptism is due to the malice of others. Even if De Lugo's opinion were followed, and if the child were not baptized by the non-Catholics within a reasonable time, Catholic Baptism should be administered first. If there is doubt about the validity of the non-Catholic baptism, certain Catholic Baptism should be given before or after.

[172] *Theologia Moralis*, Pars II, *Tract. de Sacramentis*, n. 161, p. 50.

[173] *Op. cit.*, Tom. II, n. 39, 2, b, p. 39. Cf. Merkelbach, *op. cit.*, Tom. I, n. 762, p. 588.

[174] *Op. cit.*, Vol. I, p. 283.

[175] *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § V, n. 164, *op. cit.*, Tom. I, p. 558.

2. Catholic Sponsors at non-Catholic Baptisms

Some theologians have allowed Catholics to act as sponsors at the baptism of non-Catholics by non-Catholic ministers in places where Catholics and non-Catholics formed a mixed community, provided no heretical or schismatic rite was used.[176] This was not looked upon as a sign of the profession of a false cult, or of religious communication, in those places. Laymann argues as follows in favor of this view because of conditions in Germany: (1) The office of a sponsor is to be the spiritual educator of the child. By a true Baptism the child becomes a member of the Church, and needs Catholic instruction which the prelates of the Church have the duty to give. But, because they are not always free to do so, ancient custom has substituted another person in their place. (2) The sponsor in this case does not concur actively or passively, nor co-operate in any way, with an undue administration of Baptism. If he were not sponsor, an heretic would promise to educate the child in heresy. The Catholic hinders this at the will of the parents, and by his act protests, expressly or tacitly, that he will instruct the child in the Catholic faith. (3) If the Catholic refused because the Baptism was performed by a Lutheran minister, the Lutherans would be offended. To the objection that the Lutherans omit some of the accidentals of Baptism through contempt, and substitute a sermon, all of which the Catholic sponsor seems to approve with scandal and even a tacit profession of a false religion, Laymann replies that the parents profess the Catholic faith in having a Catholic sponsor, or insinuate that they are satisfied to have the child raised a Catholic. If there is scandal because the heretics want to show that the Catholic, in acting as sponsor, is inclined to their sect, Laymann teaches that the Catholic must protest expressly that he wishes to receive the child as a Catholic sponsor, and to bring him up a Catholic in so far as he can.[177]

[176] Laymann, *op. cit.*, Lib. V, Tract. II, Cap. IX, nos. 5-6, p. 220; Diana, *Opera Omnia*, Tom. I, Res. 97 *de Bapt.*, n. 4, p. 45; Sporer *op. cit.*, Tom. I, Tract. II, *in I Praecepto Decalogi*, Cap. II, Assert. V, § IV, II, p. 170; Busembaum, in La Croix, *op. cit.*, Tom. I, Lib. II, Tract. I, Cap. III, n. 54, XI, p. 169; La Croix, *loc. cit.*, n. 65, 5, p. 170; St. Alphonsus, *op. cit.*, Lib. II, n. 16, 11°, ed. Gaudé, Tom. I, pp. 307-308.

[177] *Loc. cit.*

De Lugo does not think that in practice Catholics may act as sponsors at these baptisms, because (1) ordinarily an heretical or schismatic rite is used, and (2) the minister is commonly a lay person, from whom Baptism cannot be asked licitly.[178] In 1745 the Holy Office, at the command of Benedict XIV, gave a response saying that it is safer for Catholics to abstain from this practice, either because the Baptism is conferred in an heretical or schismatic rite, or because, although interiorly promising to instruct the child in the Catholic faith, they exteriorly seem to promise to instruct it in heresy, since, when asked, they are considered to reply according to the will and intention of the heretical minister, which is surely foreign to Catholic dogma.[179] This response did not absolutely forbid, or tolerate, the practice. A later one, however, said, absolutely, that it was not licit to be a sponsor, either personally or by proxy, at the Baptism of the children of heretics administered by heretics.[180] From this time there has been no room for a difference of opinion on this point.[181] Pope Pius VI, when writing to France in 1793, said that for a Catholic to act as sponsor at a Baptism administered by one of the schismatic priests, no matter in what way it is considered, is vicious, bad, and forbidden. For the Catholic by his action cooperates in schism, and approves that crime.[182] In 1871 the Holy See said that it has constantly held that it is illicit for Catholics to be sponsors at the baptisms of the children of heretics administered in a non-Catholic rite.[183]

In view of this stand on the question, this seems to be a case where for a time some authors were not objectively correct in allowing Catholics to act as sponsors at these baptisms. They do not seem to have realized sufficiently that it is impossible for the sponsor not to request the Baptism from the minister. In ordinary cir-

[178] *De Virtute Fidei Divinae,* Disp. XIV, Sect. V, § V, n. 162, *op. cit.,* Tom I, p. 558.

[179] Dec. 9, 1745, *Coll. S.C.P.F.,* Vol. I, n. 355, p. 181.

[180] *S. C. S. Officii,* May 10, 1770, *Coll. S.C.P.F.,* Vol. I, n. 478, p. 302.

[181] Noldin-Schmitt, *op. cit.,* Tom. II, n. 39, 2, a, p. 39.

[182] May 28, 1793, *Bullarii Romani Continuatio,* Tom. 20, Pars 3, n. CMXLI, Qu. 7, p. 2622.

[183] *Instructio S. C. S. Officii,* Jan. 3, 1871, *Fontes Iuris Canonici,* Vol. IV, n. 1013, 1, p. 317.

cumstances it is illicit for the non-Catholic minister to baptize. The sponsor asks for something the minister cannot do licitly; it is illicit to make such a request.[184] Moreover, acting as sponsor in these circumstances is intrinsically wrong as a formal religious communication with non-Catholics, because the sponsor participates in the rite and implicitly approves it as solemnly conferred by a non-Catholic minister, since he offers the child to be baptized and requests the sacrament.[185] Performing the office of sponsor at these baptisms, then, must be considered as a violation of the divine law, even apart from any dangers of scandal or perversion.

3. Material Presence at non-Catholic Baptisms

Baptism is one of the non-Catholic solemnities at which the material presence of Catholics may be tolerated for a grave reason of civil duty or honor.[186] This opinion has its basis in canon 1258, § 2, and in a response of the Holy Office stating that as a rule, or ordinarily (*regulariter*) Catholics are not allowed to be present at the baptism of heretics or schismatics.[187]

For a more grave reason a Catholic servant could hold the child during the baptism.[188] This is looked upon as a service pertaining to his work as a servant, and not as a sign of union with the cult; the servant is not considered as taking part in the religious ceremony, or as approving it. Since closer material co-operation is involved here, than in mere material presence, and since the possibility of scandal or perversion is greater, some reason besides that of being a servant seems to be required to justify it, such as danger of losing the position.

[184] Lehmkuhl, *op. cit.*, Tom. II, n. 99, p. 59.

[185] Noldin-Schmitt, *loc. cit.* Cf. Merkelbach, *op. cit.*, Tom. I, n. 755, (3), p. 584; Vermeersch, *op. cit.*, Tom. II, n. 52, (b), p. 45; Marc-Gestermann, *op. cit.*, Tom. I, n. 449, 5°, p. 288; Davis, *op. cit.*, Vol. I, p. 283; Sabetti-Barrett, *op. cit.*, n. 154, 7°, p. 159; Aertnys-Damen, *op. cit.*, Tom. I, n. 314, Quaer. 4°, p. 236; Prümmer, *op. cit.*, Tom. I, n. 526, (a), p. 371.

[186] Konings, *op. cit.*, Vol. I, n. 254, 3°, pp. 111-112; Noldin-Schmitt, *loc. cit.*, n. 39, 2, b, p. 49; Sabetti-Barrett, *loc. cit.*, n. 154, 6°, p. 159; Blat, *op. cit.*, Lib. III, Pars III, n. 128, p. 166.

[187] May 10, 1770, *Coll. S.C.P.F.*, Vol. I, n. 478, p. 302.

[188] Kenrick, *op. cit.*, Tom. II, Tr. XIII, n. 33, p. 47; Konings, *loc. cit.*; Marc-Gestermann, *loc. cit.*, n. 449, 4°, p. 288; Sabetti-Barrett, *loc. cit.*, n. 154, 8°, p. 159; Merkelbach, *loc. cit.*, n. 755, (4), p. 584.

Another form of more proximate material co-operation, which is civil, rather than religious, is the acting as witness or honorary sponsor at baptism. This, too, can be allowed for a proportionate cause.[188] A Catholic, who has the duty to act as a civil witness of a non-Catholic baptism, merely testifies that a person was baptized in a certain manner. He does not ask for the baptism, nor does he give an approval, even tacit, of it, since he is merely passive in this regard. The case would be different if contempt of Catholic Baptism, or of the Catholic religion, were implied.

C. Penance

The sacrament of Penance admits of extreme necessity when a baptized person in mortal sin is in danger of death. It is *de fide* that this sacrament is necessary by its actual reception, or at least by a desire to receive it, for those who have fallen into mortal sin after Baptism.[190] For the salvation of a sinner it is necessary that his sins be removed from his soul. Sin cannot be removed except by the means instituted by Christ in which the virtue of His Passion operates to the remission of sin. Christ applies the virtue of His Passion through the sacraments. Among the sacraments the one destined *per se* for the remission of sins committed after Baptism is Penance. Therefore, the sacrament of Penance is necessary for the salvation of the baptized sinner.[191] The necessity here is a necessity of means, not absolute, but such as can be supplemented by something else in the event that it is impossible to receive the sacrament. Perfect contrition outside the sacrament removes sin, but it must contain at least implicitly a desire of the sacrament of Penance. Sorrow for sin based on the supernatural love of God as infinitely good in Himself implicitly contains the wish to use all the means instituted by God for the remission of sins.[192]

One of the essential parts of the sacrament of Penance is the confession of one's sins. For all who have sinned gravely after

[188] Noldin-Schmitt, *loc. cit.*; Prümmer, *loc. cit.*

[190] Trent, Sess. VI, canon 29, *DB*, 839; Sess. XIV, Cap. 2, *DB*, 895.

[191] Merkelbach, *op. cit.*, Tom. III, n. 449, p. 396.

[192] Trent. Sess. XIV, Cap. 4, *DB*, 898; Merkelbach, *loc. cit.*

Baptism the sacramental confession of each and every mortal sin is necessary by divine law for forgiveness and salvation.[193]

When there is question of a necessity of means for an end regarding something that requires an human act, there is a necessity of precept, too. The divine precept of receiving the sacrament of Penance obliges *per se* certainly at the moment of death, and in the very probable danger of death, when one has been guilty of mortal sin that has not yet been directly forgiven by the sacrament of Penance. One, who, while in the truly probable danger of death, does not fulfill the divine precept, rashly exposes himself to the probable danger of never fulfilling it.[194] Culpably to enter upon the probable danger of violating a precept is the same in the moral order as actually to violate it.

The cause of the very probable danger of death makes no difference provided the danger is present. The danger can arise from sickness, a battle, a sentence of a judge, a dangerous childbirth, an operation, a very dangerous voyage, and so forth. The very probable danger of perpetual insanity, or of another impediment from which one sees he will never have an opportunity to confess his sins, is equivalent to a very probable danger of death.[195]

A person in mortal sin in these circumstances is *per se* in extreme need of the services of a priest, because only a priest is the valid minister of this sacrament.[196] For validity a priest must have jurisdiction, either ordinary or delegated, over the penitent.[197] For this extraordinary case jurisdiction is delegated to a priest by the law itself. This is known as supplied jurisdiction, and has the characteristic that it is conferred only in the very act of confession, and is afterwards removed.[198] In danger of death all priests have jurisdiction to hear confessions and to absolve from all sins and censures with certain express exceptions. Canon 882 contains this provision:

[193] This is *de fide*, Trent, Sess. XIV, Cap. 5, *DB*, 899; Sess. XIV, canons 6 and 7, *DB*, 916 and 917.

[194] Merkelbach, *op. cit.*, Tom. III, n. 512, A, 1°, p. 458.

[195] Merkelbach, *loc. cit.*

[196] This is *de fide*, Trent, Sess. XIV, canon 10, *DB*, 920. Canon 871.

[197] This is certain, Trent, Sess. XIV, Cap. 7, *DB*, 903. Canon 872.

[198] Merkelbach, *op. cit.*, Tom. III, n. 584, p. 540.

In danger of death all priests, although not approved for confessions, validly and licitly absolve any penitents from any sins or censures, no matter how reserved or notorious, even if there is an approved priest present, saving the prescriptions of canons 884 and 2252.[199]

By virtue of canon 884 the absolution by a priest of his accomplice *in peccato turpi* is invalid, except in danger of death, and even in danger of death it is illicit outside a case of necessity. There is no case of necessity if another priest can hear the confession, without danger of grave infamy to the two accomplices or of scandal to others and the dying person is willing to confess to him. In such circumstances the absolution of the priest who sinned is valid, but gravely illicit.[200]

Canon 2252 decrees that persons, who in danger of death received absolution from some censure reserved *ab homine*, or from a censure reserved *specialissimo modo* to the Apostolic See, from a priest lacking a special faculty, are bound, after they have recovered, to have recourse within a month, under penalty of falling back into the censure, either to him who imposed the censure, if it is a censure *ab homine*, or to the Sacred Penitentiary or to the Bishop, or to another endowed with the faculty, according to the norm of canon 2254, § 1, if it is a censure *a jure*, and to obey their mandates. Canon 882 does not contain the special faculty required here. So that any priest who has no faculty outside of the danger of death to absolve from the censures mentioned in canon 2252 is a priest not possessing a special faculty for these censures.[201]

The circumstance of danger of death must be verified for the validity of the absolution, if the priest has no jurisdiction from another source.[202] Danger of death is that which arises from a hazardous condition, or situation, in which it is truly and seriously probable that a person may die as a result of it.[203] It is sufficient that the danger be truly probable, and it is not necessary that it be certain, or most probable, or imminent.[204] The danger may be said to be probable, when such is the nature of the cause, whether intrinsic or extrinsic, that death follows from it frequently and *per se*. That death need not be imminent seems to mean that death need not be actually impending. If a probable, or even certain, danger of death is clearly remote, for example, when there is cancer of a vital organ in its early stages, it seems that *per se* such a danger would not be sufficient for this canon. In some cases, however, the danger arising from either intrinsic or extrinsic causes may not be clearly proximate, but it is probable in the sense that it may appear unexpectedly at any time, as in cases of serious illness, extreme old age, those about to enter war, and so forth.[205] In ordinary circumstances it seems that an airplane trip does not introduce the danger of death required here, because death cannot be said to result frequently and *per se*.[206] A response of the Sacred Penitentiary has declared that every soldier in a state of mobilization, and all men and women who pertain in some way to mobilized armies, can be regarded as equivalent to those in danger of death, and can be absolved by any priest.[207] This seems to refer, however, only to mobilization for war that is actually being waged, or that is imminent.[208]

Danger of death need not be present objectively. It is sufficient if it is for good reasons prudently judged to be probably present. If the priest who hears the confession has a positive doubt about the existence of the danger of death, he can validly and licitly absolve by reason of canon 209. If an erroneous judgment is made in good faith about the danger of death, the absolution is valid and licit,

[199] In periculo mortis omnes sacerdotes, licet ad confessiones non approbati, valide et licite absolvunt quoslibet poenitentes a quibusvis peccatis aut censuris, quantumvis reservatis et notoriis, etiamsi praesens sit sacerdos approbatus, salvo praescripto can. 884, 2252.

[200] Cf. Moriarty, *The Extraordinary Absolution from Censures*, p. 74.

[201] Moriarty, *op. cit.*, p. 89. For a commentary on this canon cf. this same work, pp. 89-112.

[202] Moriarty, *op. cit.*, p. 73.

[203] Moriarty, *op. cit.*, p. 70.

[204] Cappello, *De Censuris*, n. 114, 1, p. 107.

[205] Moriarty, *loc. cit.*, pp. 70-71.

[206] Cf. Merkelbach, *op. cit.*, Tom. III, n. 585, 2°, p. 541.

[207] March 18, 1912, May 29, 1915, *AAS*, Vol. VII (1915), pp. 281-282. Cf. Dec. 4, 1915, *AAS*, Vol. VII (1915), p. 526.

[208] Aertnys-Damen, *op. cit.*, Tom. II, n. 361, 1°, p. 253.

unless the penitent falsely pretended to be in danger of death. In the latter event the absolution would be invalid, and, on the part of the penitent, illicit.[209]

The Council of Trent, in making a similar provision, used the expression *in articulo mortis*.[210] There was a difference of opinion among the authors regarding the extent of the meaning of this term. Some held that it should be given its proper sense,[211] others said it also included the probable danger of death.[212] The broad sense of danger of death came to be held as the common opinion, namely, that the *articulus mortis* included the *probabile periculum mortis*.[213] The Code canonized this time-honored interpretation by using the term *periculum mortis* in canon 882.

The valid and licit minister of absolution in danger of death is any validly ordained priest. After the pronouncement of Trent some authors excluded certain priests, for example, heretics, from jurisdiction even *in articulo mortis*.[214] Suarez holds that heretical priests have jurisdiction in such a case, but that, as long as they remain in heresy, they are unworthy to administer the sacraments. He bases

[209] Moriarty, *op. cit.*, p. 72.

[210] Sess. XIV, Cap. 7, *DB*, 903.

[211] Cf. Suarez, *De Poenitentia*, Disp. XXVI, Sect. IV, n. 2, *Opera Omnia*, Tom. XXII, p. 549, for authors holding this.

[212] Suarez, *loc. cit.*, n. 3; Diana, *op. cit.*, Tom. I, Tract. V, Res. I, p. 191; De Lugo, *De Sacramento Poenitentiae*, Disp. XVIII, Sect. II, n. 21, *op. cit.*, Tom. V, p. 170, who says that the more true and more common opinion teaches that *articulus* and *periculum mortis* are equivalent in this matter.

Articulus mortis was described as the condition when death is proximate, morally certain, and almost inevitable. *Periculum mortis* was that condition when there is a probable doubt, and death frequently happens, as in actual war, a long voyage on ship, childbirth, and so forth, Suarez, *loc. cit.* Some authors allowed a proximate danger of death to satisfy the words of the Council of Trent, for example, not at the beginning of a journey on ship, but when a storm has arisen, when a difficult childbirth is perceived, De Lugo, *loc. cit.*, n. 20, p. 170.

[213] Cf. Reiffenstuel, *Jus Canonicum Universum*, Lib. V, Tit. VII, n. 407, Vol. V, p. 293; Ferraris, *Prompta Bibliotheca*, art. *Absolvere*, art. I, nos. 49-50, Tom. I, col. 144; St. Alphonsus, *op. cit.*, Lib. VI, n. 561, ed. Gaudé, Tom. III, p. 575.

[214] Cf. Suarez, *De Censuris*, Disp. XI, Sect. I, n. 14, *op. cit.*, Tom. XXIII, p. 294; Sayrus Anglus, *op. cit.*, Lib. II, Cap. II, n. 18, p. 98.

his argument for their having jurisdiction on the general wording of the Council. In danger of death the penitent need not be disturbed over the unworthiness of the minister, because he does not induce the minister to sin, and he can permit the sin in pursuing his right to absolution.[215] Priests denounced and excommunicated for heresy could validly administer this sacrament in extreme necessity, and the people could licitly ask for it from them, according to Sayrus Anglus.[216] He notes that this holds in regard to such ministers when (1) no danger of perversion is feared, (2) the penitent does not appear to consent to, or approve, the sect of the heretic, (3) there is no danger of abuse of the sacrament by the heretic, (4) no other priest can be had. If any of these conditions are not verified, it is illicit to confess to the heretic.[217]

These conditions must be verified today in receiving absolution from a priest of a non-Catholic sect. By virtue of canon 882 a priest who is a public apostate, an heretic, or a schismatic, or is a minister of an heretical or a schismatic sect, may validly absolve a person in danger of death.[218] He cannot always absolve licitly, however. A Catholic in danger of death can licitly make his confession to such a priest, if there is no Catholic priest to whom he can confess without great difficulty or repugnance. In a case of this kind a Catholic priest is not morally available, and in this extreme necessity the non-Catholic priest can licitly give absolution. Moreover, consideration must be had for scandal and the danger of perversion, for the minister can easily try to attract the penitent to his sect, and in the eyes of the faithful such communication can easily seem to be a profession of a false sect.[219] The Holy Office has de-

[215] Suarez, *loc. cit.*, nos. 14-15, pp. 294-295.

[216] *Loc. cit.* Cf. St. Alphonsus, *op. cit.*, Lib. VI, n. 560, ed. Gaudé, Tom. III, p. 573, note (b). The authors here are speaking of formally excommunicated and *vitandi*, but it has been pointed out that the ministers of heretical and schismatic sects are equivalent to them in some sense in regard to the sacraments.

[217] *Loc. cit.*, n. 20, p. 99.

[218] Cappello, *De Poenitentia*, Vol. II, Pars I, n. 408, 3°, p. 322.

[219] Cappello, *loc. cit.*, n. 409, 9°, p. 323; Génicot-Salsmans, *op. cit.*, Vol. II, n. 130, V, 3°, p. 116, and n. 332, I, 2°, p. 292; Lehmkuhl, *op. cit.*, Vol. II, n. 509, p. 297. Cf. St. Alphonsus, *loc. cit.*, n. 560, pp. 573-575.

clared that the sacrament of Penance may be received from a schismatic priest in danger of death, provided (*dummodo*) scandal is not given to other Catholics, there is no other Catholic priest present, there is no danger that the dying Catholic will be perverted by the heretic, and finally it is probably believed that the heretical priest will administer the sacrament according to the rites of the Church.[220] In the previous century Pope Pius VI, in answer to a request regarding the reception of absolution *in articulo vel periculo mortis* from a schismatic priest, said that it could be permitted when a Catholic priest was lacking.[221]

The conclusion, then, is that an heretical or a schismatic priest cannot licitly absolve a Catholic who is in danger of death, unless there is no Catholic priest present, morally speaking, although even in this event his absolution would be valid. The reason these conditions are required seems to be to avoid the danger of violating the divine law, and to safeguard the common good of the Church. When a Catholic chooses a non-Catholic priest in the presence of a suitable Catholic priest he chooses an unauthorized minister and subjects himself to the dangers involved. In fact, the danger of scandal to others, and possibly to the non-Catholic minister, too, will be all the greater when he is chosen in the presence of a Catholic priest. In case the penitent would have a justifiable repugnance to confess to a Catholic priest, and in this necessity confesses to a non-Catholic priest, greater precautions must be taken to remove the dangers.

With merit, for some cases at least, do Noldin-Schmitt remark that it would be better for a Catholic in such circumstances to make an act of perfect contrition and commit himself to the mercy of God, rather than expose himself to the danger of perversion.[222] This suggestion need not be insisted upon too much in regard to accepted scandal, because the Catholic could take the safer course by receiv-

[220] *S. C. S. Officii*, July 7, 1864, ad 6, *Coll. S.C.P.F.*, Vol. I, n. 1257, p. 693. On Feb. 17, 1761, the Holy Office said that in no case, not even of necessity, is it licit for a Catholic to confess his sins to and obtain absolution from a schismatic priest, *op. cit.*, Vol. I, n. 439, p. 281.

[221] May 28, 1793, *Bullarii Romani Continuatio*, Tom. 20, Pars 3, n. CMXLI, Qu. 9, p. 2622.

[222] *Op. cit.*, Vol. III, n. 43, 3, b, p. 42.

ing the sacrament, since he may be only attrite.[223] Moreover, it seems that a Catholic in extreme necessity would be obliged to receive the sacrament of Penance from a non-Catholic priest when he is the only minister available, provided there is no danger to himself which would render the obligation to receive the sacrament morally impossible of fulfillment.[224]

The source of jurisdiction for the sacrament of Penance in danger of death has been controverted among the authors. Some have held that it is from the divine law. The reasons are: (1) the granting of jurisdiction in this case is handed down in a constant tradition of the Church, the beginning of which is not known; a tradition of this kind is a sign of the divine law; (2) if the Church had power to change this, that power and its use would not be for the good of the faithful, but for their harm.[225] Suarez considers it the true opinion that the jurisdiction comes from the Church.[226] The words of the Council of Trent [227] signify that this tradition has arisen from the Church, and is at most an Apostolic tradition. All the documents granting this jurisdiction indicate that it is a grant of the Church. In giving this jurisdiction the Church has always prescribed an order and a manner to be observed. Therefore, its actual grant is not immediately from Christ, but it has been given to His vicars, who are bound by the divine, and even natural, precept of charity to provide sufficiently for the necessity of the faithful.

D. Extreme Unction

Extreme Unction, also, can admit cases of extreme necessity. Such cases will not occur *per se*, but *per accidens*. Penance is the

[223] Cf. De Lugo, *De Sacramento Poenitentiae*, Disp. XVIII, Sect. II, n. 19, *op. cit.*, Tom. V, p. 170.

[224] Wladimir Soloviev, a convert from the Russian Orthodox Church, availed himself of the services of the village priest (who was of the Orthodox rite) on his death-bed, because no Catholic priest was obtainable, Gerrard, *The Russian Newman*, *Catholic World*, Vol. CV (1917), p. 336.

[225] Cf. Suarez, *De Poenitentia*, Disp. XXVI, Sect. IV, n. 6, *op. cit.*, Tom. XXII, p. 550.

[226] *Loc. cit.*, pp. 550-551. Cf. St. Thomas, *IV Sent.*, Dist. 19, q. 1, a. 3, and Dist. 20, q. 1, a. 1, q. 2.

[227] *"Ne aliquis periret, custoditum in Ecclesia semper fuit,"* etc., *DB*, 903.

sacrament instituted primarily for the remission of sins committed after Baptism, and it must certainly be received in danger of death by a person in mortal sin, if possible. Extreme Unction, however, remits sins, too.[228] St. James in his celebrated text clearly mentions this effect, "*et si in peccatis sit, remittentur ei.*" [229] This is plainly supported by tradition, and has been taught by all theologians. Formulas of consecration ask in some way for the sanctification of the oil in order that it may become a means of salvation.[230] The form of the sacrament in our Latin rite proclaims this effect, *Indulgeat tibi Dominus . . . quidquid deliquisti.* Since no qualifications are made as to what kind of sins are forgiven, it is certain that mortal sins are remitted by this sacrament. This is in harmony with the purpose of the sacrament, which was instituted to give every needful help to the Catholic in danger of death.[231]

Ordinarily a person should receive this sacrament in the state of grace, because it is primarily and *per se* a sacrament of the living. It requires that the sick person be already reconciled to God, for the words of St. James are conditional, *si in peccatis sit,* and the Council of Trent says "if any sins are still unexpiated." [232] This follows most certainly from the doctrine on the necessity of the sacrament of Penance. If another sacrament would remit grave sin *per se* by its primary institution, the definition of the Church would be false.[233] Nevertheless, since Extreme Unction remits mortal sins, it partakes in some degree of the nature of a sacrament of the dead. Primarily, however, it is a sacrament of the living, and forgives mortal sins only *per accidens.*

Per se a person is not obliged to put himself in the state of grace for this sacrament by going to confession. It is sufficient that he be contrite for his sins, and that there be no danger that he will die before fulfilling the divine precept of confessing in danger of death.[234]

[228] This is *de fide,* Trent, Sess. XIV, canon 2, *DB,* 927.

[229] 5/15.

[230] Cf. *Sacramentarium Gelasianum, Missa Chrismalis in Feria V Maj. Hebdom., PL,* Tom. LXXIV, col. 1100.

[231] Kilker, *Extreme Unction,* p. 29.

[232] Sess. XIV, Cap. 2, *DB,* 909.

[233] Lehmkuhl, *op. cit.,* Vol. II, n. 712, p. 412.

[234] Kilker, *op. cit.,* p. 237. Cf. Lehmkuhl, *loc. cit.;* St. Alphonsus, *op. cit.,*

This doctrine does not conflict with the obligation whereby all in mortal sin are bound by divine law to receive the sacrament of Penance in danger of death. For in cases of lingering illness where death is not extremely close, confession can be made after the unction, and not necessarily before it.[235]

When the subject of this sacrament is excused from putting himself in the state of grace beforehand, to receive first grace he must be actually, or at least habitually, attrite. Attrition is any sorrow for sin from a supernatural motive other than the love of God. Habitual attrition arises from an act of imperfect contrition made previously and not revoked. Schell[236] has proposed a milder and singular opinion regarding the disposition requisite in a sinner, who is unable to make an act of attrition. He says that a person can be disposed to receive Extreme Unction fruitfully, provided he places no obstacle to grace by final impenitence. It is enough to have a general purpose and intention of afterwards formally repenting and dying in the friendship of God. This purpose can be had even while sinning. This opinion cannot be held, for we must hold that there is no remission of sin without supernatural attrition, at least, for the Council of Trent explicitly demands sorrow for the forgiveness of sin.[237] Schell's opinion amounts to an interpretative intention of having attrition, for a person so disposed, by reason of his purpose, would have actual attrition if he knew he were in danger of death.

It would not be to the point here to discuss what danger of death is required for the valid reception of Extreme Unction. A non-Catholic priest never has jurisdiction for the lawful administration of this sacrament to Catholics in ordinary cases; that is reserved to the pastor of the place in which the sick person is, or to one having at least legitimately presumed delegation from him, except for a bishop in danger of death, and for certain religious and those living in their houses day and night.[238] In addition to the fact that a non-

Lib. VI, n. 716, ed. Gaudé, Tom. III, p. 731; Suarez, *De Sacramentis*, Pars 3, Disp. XLIV, Sect. I, n. 9, *op. cit.*, Tom. XXII, p. 867, Vermeersch-Creusen, *Epitome Iuris Canonici*, Tom. II, n. 226, pp. 128-129.

[235] Kilker, *op. cit.*, p. 234.

[236] *Katholische Dogmatik*, B. III, pp. 633 seq.

[237] Sess. XIV, Cap. 4, *DB*, 897.

[238] Canon 938, § 1 and § 2. Cf. Kilker, *op. cit.*, pp. 93-98.

Catholic priest is an illicit minister for ordinary cases, if a Catholic were to receive Extreme Unction from one outside a case of necessity under certain conditions, he would be guilty of formal religious communication. In a case of necessity any priest can licitly administer Extreme Unction, because he is given permission to do so in canon 938, § 2. A dying Catholic is in extreme need, which only the sacrament of Extreme Unction can help, who (1) is unconscious, (2) has mortal sin on his soul, (3) has not externally manifested, and cannot manifest, sorrow or a desire for absolution, and (4) is only attrite.[239] *Per accidens* the only means of salvation for him is Extreme Unction.

In these cases of extreme necessity circumstances will dictate whether Extreme Unction is to be administered absolutely or conditionally. It seems to be the more common opinion that it is to be administered absolutely as often as it is known that a person is capable of receiving it validly, and that it is to be conferred conditionally when there is doubt whether it can be received validly. The condition should not refer to any requisite for a fruitful reception of the sacrament, otherwise its probable reviviscence in the same danger of death would be excluded.[240]

By virtue of canon 942 this sacrament is to be refused to dying Catholics who contumaciously persevere in manifest mortal sin; if there is a doubt whether this state exists, it is to be given conditionally. There are differences of opinion among authors on what formula should be used for conditional administration in these cases. It should never be *si dispositus es*, for the reason mentioned above.[241] Kilker suggests that, since the condition need not be expressed, it may be advisable to give the sacrament *ad mentem Ecclesiae*, or *ad normam iuris*. Non-Catholic priests, when administering Extreme Unction in the name of the Church, should observe her positive dispositions, but it is not to be presupposed that they will have this knowledge to guide them.

It is well to remember that Catholics who are dying unconscious are not to be considered as certainly impenitent from the fact that they lost the use of their senses while in the act of grave sin, or in

[239] Cf. Blat, *op. cit.*, Lib. III, Pars I, n. 288, p. 346; Kilker, *op. cit.*, p. 271.
[240] Cf. Aertnys-Damen, *op. cit.*, Tom. II, n. 547, I, p. 378.
[241] Cf. Kilker, *op. cit.*, pp. 247-249.

a state of impenitence. Hence, they are to be given Extreme Unction as long as they are not known to be unwilling to receive it, even though they became unconscious in these circumstances. For, if they have made an act of attrition, which is not altogether improbable, their salvation is secured more safely by Extreme Unction, than by Penance.[242]

Besides the condition of extreme necessity on the part of the subject, there must be lack of a Catholic priest before a non-Catholic priest may lawfully give this sacrament, that is, no Catholic priest is available. If a non-Catholic priest is chosen, when a Catholic priest can be had, the non-Catholic is put on a par with the Catholic as a legitimate public minister of religion. There is a formal religious communication with the non-Catholic minister as such, for he is not authorized by the Catholic Church to act in her name unless there is a case of extreme necessity. The Salmanticenses[243] allow anointing by an heretical priest, and Gotti[244] by an heretical or a schismatic priest, in danger of death when the sacrament of Penance cannot be received, provided the same conditions required for the reception of Penance are present. Gotti mentions these conditions: (1) no scandal is given; (2) no Catholic priest is present; (3) there is no danger of perversion; (4) it is probable that the sacrament will be administered according to the rite of the Church. Suarez holds that in extreme necessity Extreme Unction may be received from an heretical minister, when it is impossible to receive the sacrament of Penance, because of the analogy of the cases.[245] Merkelbach[246]

[242] Cf. Aertnys-Damen, *loc. cit.*, II, p. 378; St. Alphonsus, *op. cit.*, Lib. VI, n. 732, ed. Gaudé, Tom. III, p. 741; Lehmkuhl, *op. cit.*, Vol. II, n. 724, p. 418; Diana, *op. cit.*, Tom. I, Tr. IV, Res. 65, p. 189; Konings, *op. cit.*, Vol. II, n. 1508, q. 8, p. 203; Ballerini-Palmieri, *Opus Theologicum Morale*, Vol. V, Tr. X *de Sac.*, Sect. VI, *de Ext. Unct.*, n. 32, p. 607; Génicot-Salsmans, *op. cit.*, Vol. II, n. 423, p. 380; Kilker, *op. cit.*, pp. 239-247.
[243] *Cursus Theologiae Moralis*, Tom. V, Tract. XXI, Cap. II, Punct. XI, n. 126, p. 93.
[244] *Theologia Scholastico-Dogmatica juxta mentem Divi Thomae Aquinatis*, Tom. II, Tract. X, Qu. III, Dub. III, § II, pp. 385-386.
[245] *De Censuris*, Disp. XI, Sect. I, n. 23, *op. cit.*, Tom. XXIII, pp. 297-298.
[246] *Op. cit.*, Tom. I, n. 755, (2), p. 584. Cf. Michel, art. *Hérésie*, *DThC*, Tom. VI, col. 2233.

allows the reception of Extreme Unction from a priest of a non-Catholic sect, if he uses the Catholic rite, when Penance cannot be received, according to the norms of the response of the Holy Office, July 7, 1864,[247] regarding Penance from a schismatic minister. He remarks that the circumstance of extreme necessity ordinarily effects that the petition for the sacrament is no longer considered as a recognition of the sect; if this were not the case the petition would be illicit. It will be remembered that the conditions laid down by the Holy Office are the same as those just cited from Gotti.

The reception of Extreme Unction from a non-Catholic priest is not treated by many authors. Suarez testifies to this for the authors at his disposal.[248] Sayrus Anglus is a dissenting voice to the opinion given.[249] After discussing the questions concerned in receiving the sacraments of Baptism, Penance, and Holy Eucharist from heretical ministers, he says that all teach that the other four sacraments cannot be licitly asked for from them. His reason is that a person is never constituted in a necessity for these sacraments. This argument, however, is not well considered. A person can be constituted in a necessity for Extreme Unction.

The conclusion is that the reception of the sacrament of Extreme Unction from a non-Catholic priest is to be allowed in extreme necessity under the same conditions as for the sacrament of Penance in the danger of death, when the latter cannot be received in the ordinary way with confession. The non-Catholic priest should give conditional absolution first to prevent the possibility of a violation of the divine law obliging a person in mortal sin to receive the sacrament of Penance in danger of death. The divine law does not forbid his ministrations when it is made evident that there is no formal religious communication with him as a non-Catholic minister, and when the danger of scandal, or of perversion, is not present. The Church will not forbid his ministrations, because of the extreme spiritual need of the subject. Ordinarily a non-Catholic priest must help a Catholic under a serious obligation of charity, when the conditions requisite for allowing his ministrations are present. When

[247] *Coll. S.C.P.F.*, Vol. I, n. 1257, ad 6, p. 693.
[248] *Loc. cit.*
[249] *Op. cit.*, Lib. II, Cap. II, p. 99.

a person in mortal sin has refused the sacraments up to the time he lapses into unconsciousness, however, it is hard to say that a priest has an obligation to administer Extreme Unction.[250]

When a non-Catholic priest encounters an unconscious person, who is discovered to be a Catholic, and administers Extreme Unction to him, the providence and the mercy of God can be expected to safeguard the person from all dangers. A case of this kind might occur in an accident, in some disastrous event caused by nature or war, or when a person suffers a heart attack, and so forth.

E. Holy Eucharist

The sacraments of Baptism, Penance, and Extreme Unction exhaust the possibilities for cases of extreme necessity. It has been seen that, in the mind of the Church, extreme necessity is a *conditio sine qua non* for the reception of sacraments from priests of a non-Catholic sect. It will be to our point, however, to discuss more of the sacraments.

1. Holy Communion

a. Outside the Danger of Death

There is a divine precept to receive the Holy Eucharist at times during life, and, most probably, in danger of death; the ecclesiastical law determines when the obligation binds during life.[251] The reception of the Holy Eucharist is necessary for salvation with a necessity only of precept, not of means, so that it is possible for eternal happiness to be obtained without its actual reception. It is *de fide* that the actual reception of the Eucharist is not necessary with a necessity of means for children without the use of reason.[252] It is certain that it is not *simpliciter* necessary as a means for adults, but it is common teaching that its reception is morally necessary as a means of salvation.[253] The Holy Eucharist, moreover, was not

[250] Kilker, *op. cit.*, p. 246.

[251] Merkelbach, *op. cit.*, Tom. III, n. 294, pp. 242-243. Cf. Iorio, *op. cit.*, Vol. III, n. 172, p. 113.

[252] Trent, Sess. XXI, canon 4, *DB*, 937.

[253] Aertnys-Damen, *op. cit.*, Tom. II, n. 138, I, pp. 100-101.

instituted to confer first grace *per se*.[254] The conditions on the part of the subject for its reception are such as will allow the reception of the sacrament of Penance. Therefore, a case of extreme necessity cannot be verified in regard to Holy Communion.

Apart from the reception of the Holy Eucharist as Viaticum, it can be stated definitely that the precept to receive It presupposes the presence of an authorized minister.[255] Génicot-Salsmans say that the Paschal precept does not induce a necessity to approach a schismatic minister. For this precept does not urge in circumstances in which it can be fulfilled only against the prohibitions of the Church. This is true even in a case in which no scandal is to be feared, for example, when Easter Communion could be received occultly from a schismatic priest, for the positive prohibition against religious communication is universal.[256] Catholics never have a right to receive Holy Communion, apart from Viaticum, in a church of schismatics from a schismatic priest. This prohibition is universal, too, and the obligation of the Paschal season, or the absence of a Catholic priest, does not justify its violation.[257] But receiving Holy Communion, apart from Viaticum in certain circumstances, from a schismatic priest, involves more than a prohibition of positive ecclesiastical law, for it includes a recognition of a non-Catholic priest, and an implicit acknowledgment of his sect. It contains a formal religious communication.

b. In the Danger of Death

It seems that Viaticum may be received from priests of a non-Catholic sect in some cases. The Holy See has not expressed itself on this point, but it seems to exclude the reception of Viaticum under ordinary circumstances from such ministers in that it allows the reception of sacraments, which are necessary for salvation, in danger of death, when no Catholic priest is present.[258] Merkelbach im-

[254] Cf. Trent, Sess. XIII, Cap. 2, *DB*, 875, and canon 5, *DB*, 887.

[255] Cf. Sayrus Anglus, *loc. cit.*

[256] *Casus Conscientiae, Casus* 596, p. 412.

[257] Souarn, *Memento de Théologie Morale*, n. 197, pp. 198-199.

[258] *S. C. S. Officii*, August 20, 1671, and July 7, 1864, ad 6, *Coll. S.C.P.F.*, Vol. I, nos. 198 and 1257, pp. 69 and 693; Pius VI, May 28, 1793, *Bullarii Romani Continuatio*, Tom. 20, Pars 3, n. CMXLI, Qu. 9, p. 2622.

plicitly excludes Viaticum, for he allows the reception of Baptism, and Penance or Extreme Unction, in extreme necessity.[259] Tanquerey also implicitly excludes Viaticum.[260] Some may argue for the lawfulness of its reception from such ministers from an analogy with canon 2261, § 3. It has been seen that priests of a non-Catholic sect are to be considered as *vitandi* in regard to the administration and reception of the sacraments, with the exception that there is a grave circumstance added by reason of the fact that they represent a non-Catholic sect.[261] According to canon 2261, § 3, a *vitandus* may be asked for the sacraments only in danger of death; he may be asked for absolution, and if another priest is not present for the other sacraments and sacramentals. But this argument is weakened by the fact that the Holy See has required that there be a case of extreme necessity, and that no Catholic priest be present, before either Penance or Extreme Unction may be received from a non-Catholic priest, thus seeming to exclude authorization of such a minister to act in her name for the administration of Viaticum. A stronger argument favoring the reception of Viaticum from a non-Catholic priest seems to be that, since there is most probably an obligation to receive Viaticum by divine positive law, the Church cannot forbid its reception. If, then, in a particular case there would be no violation whatsoever of the divine law, natural or positive, in receiving Viaticum from a non-Catholic priest, it seems that it may be received from one. Noldin-Schmitt say that a non-Catholic priest may be asked to administer Viaticum.[262] McHugh-Callan testify that theologians allow the reception of Viaticum from a minister of this kind, but refer to no particular authors.[263] But the request for Viaticum could never be made licitly from a non-Catholic priest, when a Catholic priest is available.

Because of the dangers to faith and charity, however, which can be present so easily when there is question of using a minister of this kind, it seems that Viaticum should not be received from a

[259] *Op. cit.*, Tom. I, n. 755, (2), p. 584.

[260] *Synopsis Theologiae Moralis*, Tom. II, n. 678, 1°, p. 485.

[261] Cf. p. 93.

[262] *Op. cit.*, Tom. III, n. 43, 3, p. 42.

[263] *Op. cit.*, Vol. I, n. 970, (b), p. 379.

heretic or schismatic as a general rule.[264] Such procedure does not violate the divine precept to receive the Holy Eucharist in danger of death, because the possible harm to one's self, to the neighbor, and to the common good of the Church render the fulfillment of the divine precept morally impossible. Only an exceptional case in which these possibilities are not present, and when no Catholic priest is available, seems to warrant the reception of Viaticum from a non-Catholic priest.[265]

In some localities schismatic priests carry Viaticum publicly to dying schismatics. In reply to questions regarding how a Catholic should act when he meets a procession of this kind, the Holy Office has said that he can and should adore the Blessed Sacrament.[266] Several conditions were mentioned, namely, that the Catholic should avoid meeting the schismatic priest if possible, that he should adore only as the Blessed Sacrament passes, and that he should not join in the procession nor enter the schismatic church.

2. The Sacrifice of the Mass

Catholics are forbidden to assist formally at the Sacrifice of the Mass in schismatic churches.[267] These prohibitions expressly state that they oblige even in places where there are no Catholic priests; the precept of hearing Mass does not oblige when a Catholic priest cannot be had. Iorio says that this is true even when the non-Catholic priest celebrates Mass in a Catholic rite, for the genetal law of canon 1258, § 1, prevails, which, according to canon 21, always urges, even if in a particular case danger is not present.[268] But we hold that this prohibition is a re-statement of the divine law,

[264] Cf. Noldin-Schmitt, *loc. cit.*

[265] Wladmir Soloviev received Communion from an Orthodox priest on his death-bed because no Catholic priest was available, Iswolsky, *Light Before Dusk*, p. 53.

[266] June 30 and July 7, 1864, ad 5, *Coll. S.C.P.F.*, Vol. I, n. 1257, pp. 692-693.

[267] *S. C. S. Officii*, Dec. 5, 1668, and Aug. 7, 1704, ad 1, *Coll. S.C.P.F.*, Vol. I, nos. 171 and 267, pp. 54 and 91. Cf. *Perfice Munus*, Vol. XI (1936), p. 79.

[268] *Op. cit.*, Vol. I, n. 278, Qu., p. 232.

because formal assistance at a Mass of a non-Catholic priest is an active participation in unauthorized worship, and an acknowledgment of his ministry and sect.[269] Furthermore, Iorio holds that a Catholic does not fulfill the precept of hearing Mass, if he assists at a Mass celebrated in an heretical or other non-Catholic rite, or in a non-Catholic church.[270] On the other hand, however, it seems probable that the precept of hearing Mass would be fulfilled when a Catholic hears a Mass celebrated in a Catholic rite by a validly ordained priest of a non-Catholic sect, although a mortal sin would be committed by attending it.[271]

There are times when a Catholic may lawfully be present at the Mass of a schismatic priest,[272] although never when commanded by law in recognition of the sect.[273] His presence can be justified according to the principles of canon 1258, § 2. During the Mass he must sincerely adore the Blessed Sacrament, yet he may not unite with the schismatics in any way, even in the recitation of prayers which are in no way contrary to faith;[274] his adoration should be externalized by kneeling.[275] A Catholic is forbidden by divine law to give even an external approval to a schismatic sect. The presence of scandal will be governed by local custom, or by the fact whether or not the Catholic is known to be a Catholic.

The question might arise whether a non-Catholic priest should be called to finish a Mass which has been begun substantially by a Catholic priest. By divine law the Sacrifice of the Mass must be completed once the consecration of the bread has taken place. Regardless of what opinion is held on what constitutes the essence of the sacrifice, whether it is the consecration of one, or of both, species,

[269] Cf. Vermeersch, *op. cit.*, Tom. II, n. 52, (b), p. 46.

[270] *Loc. cit.*, note (1), p. 232. Cf. canon 1249.

[271] Guiniven, *The Precept of Hearing Mass*, pp. 110-111. Cf. Vermeersch-Creusen, *Epitome Iuris Canonici*, Tom. II, n. 563, pp. 349-350; Vermeersch, *Theologiae Moralis Principia, Responsa, Consilia*, Tom. III, n. 859, p. 729.

[272] Vermeersch, *op. cit.*, Tom. II, n. 52, p. 46.

[273] *Instructio S. C. S. Officii*, May 12, 1841, ad 2, *Coll. S.C.P.F.*, Vol. I, n. 921, p. 519.

[274] *S. C. S. Officii*, Aug. 7, 1704, ad 1, *Coll. S.C.P.F.*, Vol. I, n. 267, p. 91.

[275] Cf. Vermeersch, *loc. cit.*, n. 52, (b), p. 46.

or both consecrations together with the communion of the priest, the Mass must be completed in such a way as to surely fulfill the divine law. The reason is that grave irreverence would be given to God, if a sacrifice, which was begun substantially, were not finished. Hence there is a grave and definite obligation that the sacrifice be completed.[276]

The first obligation falls on the priest who began the Mass. So that, if he has taken sick after the consecration of one species, he is obliged to complete the sacrifice, even though no longer fasting, within such time as moral continuity can be said to remain. If he cannot finish the Mass, some authors say that any other priest, even though not fasting or excommunicated, is obliged to do so.[277] Other authors say that a priest who is excommunicated, or who is irregular, and so forth, has the obligation to finish the sacrifice.[278]

The obligation to complete the Mass, however, is not absolute. St. Alphonsus[279] and Génicot-Salsmans[280] add the qualification "unless a most grave inconvenience excuses." A number of authors hold that if another priest cannot be obtained in about an hour, it is probable that the moral continuity of the sacrifice has been broken, and, therefore, that there is no obligation for another priest to finish it after that lapse of time.[281] Benedict XIV says that if another priest cannot be found before noon, the consecrated species should be placed in the tabernacle to be consumed on the next day before the priest has taken the first ablution.[282] Some note, however, that,

[276] Benedict XIV, *De Sacrasancto Missae Sacrificio*, Lib. III, Cap. XIV, n. 5, *Opera Omnia*, Tom. VIII, p. 194.

[277] Génicot-Salsmans, *op. cit.*, Vol. II, n. 253, p. 219.

[278] St. Alphonsus, *op. cit.*, Lib. VI, n. 355, ed. Gaudé, Tom. III, p. 340; Lehmkuhl, *op. cit.*, Vol. II, n. 338, p. 195; Merkelbach, *op. cit.*, Tom. III, n. 391, 2°, (b), (4), p. 329; Cappello, *op. cit.*, Vol. I, n. 827, p. 839. Cf. *Missale Romanum, De Defectibus*, X, 3.

[279] *Loc. cit.*

[280] *Loc. cit.*

[281] Cf. St. Alphonsus, *loc. cit.*, pp. 340-341; Génicot-Salsmans, *loc. cit.*; Lehmkuhl, *loc. cit.*; Aertnys-Damen, *op. cit.*, Tom. II, n. 259, Quaer. 3°, p. 182; Iorio, *op. cit.*, Vol. III, n. 333, p. 213.

[282] *Loc. cit.*, n. 8, p. 195.

although there is no obligation to get a priest after an hour, because it is not certain that the moral continuity of the sacrifice remains longer than that, it is licit to continue the Mass after a longer time, especially for the priest who began the Mass.[283] Cappello seizes on this argument as a basis for allowing a longer time (*plurimas horas*) for another priest to complete the sacrifice. He believes it confirms his opinion, for if the *ratio* of unity is had for the priest who was taken sick, it is necessarily had, too, for any other priest, since the unity of the sacrifice is something objective, not depending on the individual priest.[284] In view of the teaching of other authors, both old and modern, on the amount of time that will break the moral continuity of an interrupted Mass, however, it seems that this argument has weight for lawfulness, but not for an obligation.

Speculatively, and *per se*, therefore, a priest of a non-Catholic sect would be obliged to complete the Mass of a Catholic priest, when another Catholic priest could not be obtained. In practice, though, it seems that a most grave inconvenience would be entailed in securing a non-Catholic priest. There seems to be no certain obligation after about an hour. A schismatic priest will have great difficulty in finishing a Mass of the Roman rite, although the same could not be said of a Mass of an Oriental rite. Furthermore, non-Catholic priests are forbidden to celebrate Mass in our churches for the following reasons: it implies consent to their rites and errors, or it gives occasion for religious communication or scandal.[285] In face of a danger of such violations of the divine law, it seems that the obligation to have the Mass completed, although of divine law, too, would not bind when only a non-Catholic priest could be had.

It is illicit for a Catholic to give a stipend for a Mass to a non-Catholic priest.[286] Giving a stipend in such a case is a request for an act of unauthorized public cult, and is, therefore, an unlawful religious communication.

[283] Cf. Lehmkuhl, *loc. cit.*; Iorio, *loc. cit.*

[284] *Loc. cit.*

[285] *S. C. S. Officii*, May 10, 1753, ad 1, *Coll. S.C.P.F.*, Vol. I, n. 389, p. 321.

[286] *S. C. de Prop. Fide*, March 12, 1789, *Coll. S.C.P.F.*, Vol. I, n. 600, p. 371; Merkelbach, *op. cit.*, Tom. I, n. 755, (2), note 1, p. 584; McHugh-Callan, *op. cit.*, Vol. I, n. 981, (a), p. 386.

F. Holy Orders

Receiving Holy Orders from a non-Catholic minister has been expressly forbidden.[287] The Holy Office has declared that it is never allowed to receive Sacred Orders from a schismatic or heretical bishop, and that those who did so were irregular, and suspended from the exercise of the orders received. To receive Holy Orders from a non-Catholic minister is forbidden by the principle of the divine law underlying canon 1258, § 1; it is implicitly forbidden in the prescriptions for a lawful ordination.[288] By virtue of canon 2372 those who presume to receive Sacred Orders from notorious heretical or schismatic ministers incur a suspension *a divinis* reserved to the Apostolic See; those who receive orders in good faith from such ministers are deprived of the exercise of the orders until they are dispensed. When an order is exercised, after its exercise has been forbidden by a canonical penalty, according to canon 985, 7°, the guilty person becomes irregular.

G. Sacramentals

Sacramentals are sacred things. To receive sacramentals from a non-Catholic minister is to recognize an unauthorized minister of religion, and to associate one's self with the cult or sect of which they are a part or a symbol. An Instruction of the Holy Office of 1859, cited above,[289] declaring that it is wrong to communicate in sacred things with heretics, said that such communication is contained in receiving from heretics "the *pax*, blessed ashes, candles, blessed palms, and other things of external cult, which are considered, rightly and deservedly, as indicative of an internal bond and agreement." [290] Merkelbach states that the same principle governs the asking for sacramentals from a non-Catholic minister as regulates the asking for sacraments from one, namely, that it is illicit to request them from one as a sacred minister, because the request is an implicit acknowledgment of his authority as a minister. Therefore, it is never lawful to ask for sacred things as blessings, prayers, and so forth, from a minister of a non-Catholic sect.[291] This principle is valid despite the ruling of canon 2261, § 3, concerning the administration of sacramentals in danger of death by a *vitandus*, or by one who has received a condemnatory or a declaratory sentence of excommunication. It has been seen that the Church has given stricter rulings about what a non-Catholic priest can do for a Catholic in danger of death. The Church has full competence regarding the prohibition of sacramentals, and there is no obligation from divine law to receive them.

The nuptial blessing is a sacramental, and may not be received from a non-Catholic minister. In a response given in 1817 the Holy See said that a Catholic is not allowed to ask for, or to receive, the nuptial blessing from a non-Catholic minister, even though the non-Catholic party to a marriage should demand it.[292]

H. Co-operation With a Non-Catholic's Ministrations to Dying Non-Catholics

Questions relative to the reception of Catholic sacraments and sacramentals from non-Catholic ministers have been treated. Now some attention should be given to the problems of religious communication which can arise when Catholics co-operate with non-Catholic ministers in their religious functions at the deathbed of members of their sects.

Religious communication can come into question when there is a case of calling a non-Catholic minister to a dying non-Catholic. To call a minister at the request of a dying non-Catholic in order that he may administer the helps and comforts of religion is an intentional communication in religious matters; this has been expressly

[287] *S. C. S. Officii*, Nov. 21, 1709, *Coll. S.C.P.F.*, Vol. I, n. 278, p. 92. Cf. Souarn, *op. cit.*, n. 202, p. 202; Augustine, *op. cit.*, Vol. VI, p. 104; Davis, *op. cit.*, Vol. I, p. 285; Coronata, *Institutiones Iuris Canonici*, Vol. II, n. 835, 1°, p. 155.

[288] Cf. canons 953-967.

[289] Cf. p. 15.

[290] *Instructio S. C. S. Officii*, June 22, 1859, *Coll. S.C.P.F.*, Vol. I, n. 1176, pp. 641-642.

[291] *Op. cit.*, Tom. I, n. 736, pp. 584-585. Cf. McHugh-Callan, *op. cit.*, Vol. I, n. 969, p. 378.

[292] *S. C. S. Officii*, Jan. 29, 1817, *Coll. S.C.P.F.*, Vol. I, n. 717, p. 420. Cf. Merkelbach, *loc. cit.*; Davis, *op. cit.*, Vol. I, p. 285; Coronata, *op. cit.*, Vol. II, n. 835, 1°, p. 156.

forbidden.[293] Catholic attendants must be passive in the face of such a request, that is, they can allow a person belonging to the same sect to call the minister.[294] The most a Catholic may do, when a non-Catholic is not available, is to notify the minister that a member of his sect wishes a visit, even though it is foreseen the minister will exercise rites of religion. This does not exceed material co-operation. But, when there is question of eternal harm to the dying person, a most grave cause is required to justify such co-operation, namely, graver evils would have to result from not doing so, as public hatred of the Catholic religion, the removal of the possibility for hospital Sisters to effect much good, and so forth.[295] McHugh-Callan teach that if a Catholic nurse could not avoid notifying the minister without serious consequences, she could lawfully do so.[296] Merkelbach insists that the reason must concern the public welfare, and the case be extraordinary.[297] Wouters believes that hatred of the Catholic religion and a hindering of much good can easily be imminent from a refusal to notify the minister, and, therefore, that a sufficiently grave reason (which he requires) is generally present when the sick non-Catholic is in a Catholic hospital.[298] Lehmkuhl [299] and Génicot-Salsmans [300] also require a grave cause. Prümmer holds that in the face of grave inconveniences, a nun could convey this message to the minister, because giving the message is an action indifferent in itself, which may be placed for a reasonable cause.[301] Iorio says that it is licit to do so, at least probably, by reason of assistance or service (*famulatus*).[302] This opinion appears to be too mild, for a proportionately grave cause should be present to offset the dangers involved in a case of this kind.

[293] *S. C. S. Officii,* March 15, 1848, cf. *Coll. S.C.P.F.*, Vol. II, n. 2030, note, p. 381.

[294] *S. C. S. Officii,* Dec. 14, 1898, cf. *Coll. S.C.P.F., loc. cit.* This response applies also to a Catholic who has a dying non-Catholic in his home.

[295] Cf. Aertnys-Damen, *op. cit.*, Tom. I, n. 407, Quaer. 1°, 3°, p. 303.

[296] *Op. cit.*, Vol. I, n. 986, (a), p. 389.

[297] *Op. cit.*, Tom. I, n. 762, (2), p. 589.

[298] *Op. cit.*, Tom. I, n. 557, p. 392.

[299] *Op. cit.*, Vol. I, n. 810, pp. 448-449.

[300] *Op. cit.*, Vol. I, n. 201, V, p. 152.

[301] *Op. cit.*, Tom. I, n. 526, (e), p. 372.

[302] *Op. cit.*, Vol. I, n. 277, 4°, p. 231.

It seems that in a country like ours, where freedom of religion is a basic principle, there will be generally a sufficient cause of a public nature to justify telling a non-Catholic minister that a member of his sect has asked for a visit. It would be better, however, that nuns have lay persons do it, whenever possible, even though a non-Catholic is not available.[303] A prudent effort should be made by a nun or a Catholic nurse to get the dying non-Catholic to make the acts necessary for salvation with a necessity of means, especially an act of perfect contrition.[304]

There is evidently a more immediate co-operation when a Catholic prepares a table by the bedside for the use of the minister, provides the necessary materials, and, *a fortiori*, assists the minister during his rites.[305] Vermeersch,[306] Wouters,[307] Prümmer,[308] and Lehmkuhl [309] allow a Catholic attendant to prepare the table and the materials for a grave cause. According to Lehmkuhl the reason is that these actions are indifferent, and in themselves are not an exercise of a false rite; they constitute a material co-operation to something objectively sinful which cannot be hindered, since the minister is ready to act. Merkelbach cites this opinion without approving or rejecting it.[310] Iorio is much more lenient, for he allows this co-operation by reason of the work of the attendant, provided there is no scandal or danger of perversion.[311] McHugh-Callan require a great necessity to justify a Catholic nurse preparing the table for the use of the minister.[312] The opinion of Iorio seems to be too mild in view of the previous consideration on telling a minister that a member of his sect wishes a visit. A grave cause, and

[303] Cf. Vermeersch, *op. cit.*, Vol. II, n. 147, 7, p. 124.

[304] Aertnys-Damen, *loc. cit.*; Prümmer, *loc. cit.*; Lehmkuhl, *loc. cit.*; Wouters, *loc. cit.* Cf. Tanquerey, *loc. cit.*

[305] Merkelbach, *loc. cit.*, note, p. 589; Génicot-Salsmans, *loc. cit.* Cf. Génicot-Salsmans, *Casus Conscientiae, Casus* 38, 2°, p. 36; Konings, *op. cit.*, Vol. I, n. 513, I, (3), p. 143.

[306] *Loc. cit.*, n. 147, 6, p. 124.

[307] *Loc. cit.*, n. 557, 7, p. 392.

[308] *Loc. cit.*, note 67, p. 372.

[309] *Op. cit.*, Vol. I, n. 811, p. 449.

[310] *Loc. cit.*, note I, p. 589.

[311] *Loc. cit.*

[312] *Loc. cit.*

that of a public nature, seems to be required here *a fortiori*.[313] In our country it seems that a sufficiently grave cause is generally present at least for having a table ready which may be used by the minister.

Some authors allow a Catholic attendant to assist the minister during his non-Catholic rites.[314] This assistance would embrace such things as handing to the minister what he requires while he is performing his religious rites. Lehmkuhl and Wouters require a grave public cause, while Iorio allows it by reason of the work of the attendant as above. Lehmkuhl and Wouters argue that even this activity is a material co-operation only, because it is indifferent in itself; the minister uses it for something objectively sinful, which cannot be hindered. On the other hand, Merkelbach,[315] Prümmer,[316] and McHugh-Callan [317] will not allow a Catholic attendant to give this proximate co-operation. Merkelbach believes that such assistance involves a communication in the cult; he implies it is a type of communication that can never be allowed. Prümmer argues from an analogy with the unlawfulness of playing the organ in a non-Catholic church when cult is being exercised. If that is illicit, *a fortiori* this proximate co-operation seems to be illicit, too. One who assists the minister during his ministrations cannot be looked upon as being passive, which the Holy Office requires in regard to merely summoning a non-Catholic minister. It seems that this assistance cannot be separated from an implicit approval of non-Catholic cult, and is, therefore, a formal communication in the religious rites. This seems to be a kind of co-operation which is altogether illicit by reason of its circumstances. As McHugh-Callan say, it manifests an approval of the rites.[318] Although Lehmkuhl and Wouters allow such assistance for a sufficiently grave reason, they advise that it should generally be avoided. It is not necessary

[313] Lehmkuhl says that for a private inconvenience the cause should be very (*valde*) grave, *loc. cit.*

[314] Lehmkuhl, *loc. cit.*; Wouters, *loc. cit.*; Iorio, *loc. cit.*

[315] *Loc. cit.*, note I, p. 589.

[316] *Loc. cit.*, note 67, p. 372.

[317] *Loc. cit.*

[318] *Loc. cit.*

to remark that answering prayers during the religious rites would surely be a formal communication.

When preparing the table, or supplying the materials is justified, care must be taken to avoid performing these actions at the command of a minister, or by intending them, as a sign of religious unity between Catholics and non-Catholics, or as a profession of religious indifference.[319] Any ambiguity of intention, if present, must be removed.[320]

Article III. Marriages and Funerals

Marriages and funerals are two of the more frequent occasions wherein custom and social usage open the way for religious communication between Catholics and non-Catholics. This is true especially in mixed communities. Canon 1258, § 2, mentions these solemnities expressly as functions of non-Catholics at which the passive assistance of Catholics can be tolerated for a grave reason of civil duty or honor.

As has been stated, we are not concerned with the religious communication necessarily contained in a mixed marriage. We are dealing with the moral problems connected with the communication of Catholics in the marriage ceremonies of non-Catholics.

A. Marriages

1. Marriages of Catholics Before a Non-Catholic Minister Acting as Such

A Catholic, when contracting marriage with another Catholic or with a non-Catholic, must marry according to the form prescribed by the Church for the validity of the marriage.[321] The ordinary form requires that the marriage be contracted before an authorized priest and two witnesses. Moreover, the parties to a mixed marriage, that is, whether the non-Catholic party is baptized or not, are forbidden to approach, either by themselves or by proxy, a non-Catholic minister acting as such[322] to give or to renew matrimonial

[319] Lehmkuhl, *loc. cit.*

[320] Vermeersch, *loc. cit.*

[321] Canon 1094. Cf. canon 1098 for the extraordinary form.

[322] To determine when a non-Catholic minister acts as such confer Ayrinhac-Lydon, *Marriage Legislation in the New Code of Canon Law*, n. 110, p. 113.

consent, either before or after a marriage entered into before the Church.[323] Catholics who violate this prohibition incur an excommunication reserved to the Ordinary.[324] There is some doubt as to whether both a Catholic and a non-Catholic ceremony are required for the penalty.[325] The penalty applies to the Catholic party, when the non-Catholic party is baptized, because canon 2319, § 1, 1°, refers to canon 1063, § 1. It is doubtful whether it applies to the Catholic party, if the other party is not baptized, because (1) there is no direct reference to a canon on disparity of cult in canon 2319, § 1, 1°, and (2) penalties are to be interpreted strictly.[326] Two Catholics who go before a non-Catholic minister as such for marriage incur an excommunication, too, although it is not certain whether this penalty is from the Code. Ayrinhac-Lydon say that they may incur the penalty from the Code, because the Holy Office, on May 11, 1892,[327] implied that Catholics did so whether or not there was a mixed marriage.[328] In the event the penalty is not from the Code, however, some authors say that it is incurred by virtue of a law of the Third Plenary Council of Baltimore.[329] If this case is not covered by the Code, this particular law is *praeter legem communem*, not *contra legem*, and is still in force. Any Ordinary can

[323] Canons 1063, § 1, and 1071. *Cf. S. C. S. Officii*, Nov. 29, 1672, ad 3, *Fontes Iuris Canonici*, Vol. IV, n. 751, p. 29.

[324] Canon 2319, § 1, 1°.

[325] *Cf.* Ayrinhac-Lydon, *op. cit.*, n. 111, p. 114; Barrett, *The Councils of Baltimore and the Code*, pp. 136-137; Neuberger, *Canon 6, or the Relation of the Codex Iuris Canonici to Preceding Legislation*, p. 52; Woywod, *HPR*, Vol. XXIV (1923-1924), pp. 510-511.

[326] Canon 2219, §§ 1, 3. Cf. Cappello, who believes that it is the more true opinion that the censure is incurred, but he does not deny the probability of the other side, *De Censuris*, n. 369, 4, p. 320. Cocchi excludes a Catholic party of a disparity of cult marriage by implication, *Commentarium in Codicem Iuris Canonici*, Lib. V, Pars III, n. 147, 1, p. 236.

[327] *Coll. S.C.P.F.*, Vol. II, n. 1793, pp. 273-274.

[328] *Loc. cit.*, Cappello denies the penalty for two Catholics, *loc. cit.*, n. 369, 3, p. 320. Two Catholics are included in the penalty: Cocchi, *loc. cit.*; Augustine, *op. cit.*, Vol. VIII, p. 297; Petrovits, *The New Church Law on Matrimony*, n. 270, p. 200; Neuberger, *loc. cit.*, pp. 52-53.

[329] N. 127. For a full discussion of this point cf. Barrett, *op. cit.*, pp. 136-138.

absolve from the penalty of the Council of Baltimore, even if the penitent be a subject of another Ordinary, unless the crime was committed in one's own diocese, and the person went to another Bishop for absolution *in fraudem legis*.[330]

To approach a non-Catholic minister as such for marriage is to communicate formally with him in sacred things. Such action is a manifest participation in the sacred things of non-Catholics, and a recognition of their cult.[331] All those who formally co-operate in the non-Catholic marriage ceremony of a Catholic are likewise guilty of the sin of religious communication. Some co-operators can incur the excommunication which is incurred by Catholics contracting or attempting such a marriage. Those who command, and all others who so induce the consummation of a delict, or so concur in it in any way, that the delict would not have been perpetrated without the command or concurrence are bound by the censure.[332]

According to the new Code, canon 1063, § 3, Catholics are not forbidden to go before a non-Catholic minister acting merely as a civil official, when the civil law commands it, to fulfill the civil act for the sake of the civil effects of the marriage. The Holy See has made other pronouncements to the same effect.[333]

2. The Presence of Catholics at Non-Catholic Religious Marriage Ceremonies

a. Mere Presence

Older theologians say that it is licit for Catholics to be present at the marriages of heretics before an heretical minister and in an heretical rite, provided there is no communication in the rites.[334]

[330] Cf. Ayrinhac-Lydon, *loc. cit.*; III Baltimore, n. 127; canon 6, 1°.

[331] Cf. Noldin-Schmitt, *op. cit.*, Tom. II, n. 39, 3, d, p. 40.

[332] Cappello, *op. cit.*, n. 27, 1° and 2°, pp. 30-31; Cocchi, *op. cit.*, Lib. V, n. 8, pp. 25-27; Cf. canons 2209; 2219, § 3; 2230; 2231.

[333] *S. C. S. Officii*, Nov. 14, 1748; Feb. 17, 1864; *Instructio*, Dec. 12, 1888, n. 7, *Coll. S.C.P.F.*, Vol. I, nos. 367 and 1247, pp. 211 and 689-690; Vol. II, n. 1696, pp. 233-234.

[334] De Lugo, *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § V, n. 156, *op. cit.*, Tom. I, p. 556; Salmanticenses, *Cursus Theologiae Moralis*, Tom. V, Tract. XXI, Cap. II, Punct. XI, n. 126, p. 93; La Croix, *op. cit.*, Tom. I, Lib. II, Tract. I, Cap. III, n. 67, p. 170; and others.

The justifying reason given is to manifest honor or friendship. In 1770 the Holy Office said that ordinarily it is not licit to be present at the marriages of heretics or schismatics;[335] the word "ordinarily" implies that it is licit at times. A similar ruling was given in 1874 with the addition that material presence can be tolerated at such marriages, and even at those contracted illicitly, validly or invalidly, when one party is a Catholic, only for a reason of civil duty, provided there is no scandal, danger of perversion, or contempt of ecclesiastical authority.[336] The law of the new Code is practically the same, except that there is no mention of presence at the illicit or invalid marriages of Catholics, or of contempt of ecclesiastical authority.

Concerning the marriages of non-Catholics, Kenrick[337] and Konings[338] hold that it is not against faith to be present at those marriages contracted before an heretical minister, because such presence is not looked upon as an approbation of an heretical rite, but as a manifestation of honor towards the spouses. More recent authors state the doctrine tolerating passive presence at these marriages for grave reasons of civil duty or honor, as required by the Code and the responses of the Holy See.[339]

Greater dangers can be associated with even mere material assistance at the attempted marriages of Catholics before a non-Catholic minister functioning as such. The Catholic spouse or spouses are guilty of grave sin. The mere presence of Catholics may be a source of scandal, or may be an illicit co-operation, because of the lack of a sufficient reason to offset an obligation to admonish those who are sinning, and to manifest disapproval of their sin. Kenrick expresses a rather lenient view in saying that it is not becoming for Catholics,

[335] May 10, 1770, *Coll. S.C.P.F.*, Vol. I, n. 478, pp. 301-302.

[336] *S. C. S. Officii*, Jan. 14, 1874, ad 2, *Coll. S.C.P.F.*, Vol. II, n. 1410, pp. 76-77.

[337] *Op. cit.*, Tom. II, Tr. XIII, n. 33, p. 46.

[338] *Op. cit.*, Vol. I, n. 254, 2°, p. 111.

[339] Sabetti-Barrett, *op. cit.*, n. 154, 6°, p. 159; Merkelbach, *op. cit.*, Tom. I, n. 756, (4), p. 585; Noldin-Schmitt, *op. cit.*, Tom. II, n. 39, 3, b, p. 39; Prümmer, *op. cit.*, Tom. I, n. 526, (b), p. 371; Wouters, *op. cit.*, Tom. I, n. 500, 4, (d), p. 341; Tanquerey, *Synopsis Theologiae Moralis*, Tom. II, n. 681, (a), p. 487; Souarn, *op. cit.*, n. 203, p. 202.

especially parents and nearer blood relatives, to approve by their presence the marriage of a Catholic before a minister.[340] Konings considers this opinion too mild. He believes that ordinarily it is not allowed to parents, and to those who are in duty bound to disapprove the marriage ceremony, to approve it by their presence, unless there is a sufficiently grave reason to justify their presence.[341] Génicot-Salsmans say that the presence of near relatives is generally looked upon as an approval of the sinful action.[342] Noldin-Schmitt hold that contempt of ecclesiastical authority is generally to be feared when near relatives are present at such marriage ceremonies.[343] According to Marc-Gestermann no Catholic may approve by his presence the marriage of a Catholic before a non-Catholic minister in opposition to the law of the Church.[344] Davis states a similar opinion.[345] Merkelbach allows material presence at these marriage rites under the general conditions required, but he does not enlarge on the matter.[346]

It is certain that Catholics may not be present at such marriages, when their presence contains, manifests, or implies an approval of the marriage. It seems that, barring other dangers and a sinful intention, friends and distant relatives may be present for a more grave reason in proportion to the greater danger of scandal. Near relatives, and especially parents, brothers, and sisters, however, would seldom have a reason justifying their presence, because of the grave scandal necessarily connected with it, because of their obligation to admonish the one who is sinning, and, in some cases, because of contempt for the regulations of the Church.

b. Catholics Acting as Witnesses, Attendants, and So Forth

Whether a Catholic is allowed to act as a witness or an attendant at non-Catholic religious marriage services conducted by a non-

[340] *Loc. cit.*

[341] *Loc. cit.* In the time of Kenrick and Konings such marriages were valid in some parts of our country.

[342] *Institutiones Theologiae Moralis*, Vol. I, n. 201, p. 151.

[343] *Loc. cit.*, note (4), p. 39.

[344] *Op. cit.*, Tom. I, n. 449, 3°, p. 288.

[345] *Op. cit.*, Vol. I, pp. 285-286.

[346] *Loc. cit.*, note 1, p. 585.

Catholic minister presents a problem which cannot be solved by a general principle, which will cover all cases. A decision must depend on various circumstances, such as, in what capacity it is done, whether the Catholic must take part in the illicit worship, and the common estimation of the place.

Authors use different words for functions at these marriages. One term is *testis*, witness. Wouters,[347] Tanquerey,[348] Souarn,[349] and Merkelbach[350] will not permit a Catholic to act as a witness. Tanquerey considers it as an active co-operation in the heretical rite. Merkelbach's reason is that a witness, by giving authorization to the contract, implicitly acknowledges the authority of the minister. Noldin-Schmitt forbid a Catholic to be present in any capacity (for example, as a witness), which is required for the validity of the marriage, or which constitutes a part of the sacred rite, because it is a tacit approbation of a false sect.[351] Génicot-Salsmans say that for a Catholic to act licitly as a witness depends on whether it includes an acknowledgment of the sect or not. If it does it is illicit. This will be the case if the presence of the witness is required by the laws of the sect for the marriage to be valid, or if the witness must have a part in the sacred rite. If there is no acknowledgment of the sect included, *per se it* is licit to be a witness, for it is looked upon as a merely civil courtesy.[352] Davis states, that, in general, a Catholic should not act as witness, but that such action is tolerated in some places where scandal is not given. He adds that the custom of the place should be learned and followed, "for, although to act as best man or bridesmaid may be regarded merely as a mark of courtesy, Catholics are often rightly scandalized and very little good comes of Catholics taking part in non-Catholic functions."[353] Iorio holds

[347] *Loc. cit.*

[348] *Loc. cit.*

[349] *Loc. cit.*, p. 203.

[350] *Op. cit.*, Tom. I, n. 756, (3), p. 585.

[351] *Op. cit.*, Tom. II, n. 39, 3, c, pp. 39-40.

[352] *Casus Conscientiae, Casus* 35, 2°, p. 33. Cf. *Institutiones Theologiae Moralis, loc. cit.*

[353] *Loc. cit.*

that a Catholic may be a witness at the marriages of non-Catholics, using the cautions mentioned in canon 1258, § 2, because it is an office which does not exceed the limits of material presence.[354] Augustine believes that there is hardly more than a merely passive presence even for witnesses.[355] He bases this opinion on a response of the Holy Office given in 1859, which stated that witnesses (*patrini* was the word used) are those who merely stand at the side of the spouses, and do or say nothing which is considered as signifying an unlawful participation, and, therefore, that, if in this material presence no scandal is to be feared, there is no reason for alarm.[356]

Another term used is *paranymphus*. A Greek dictionary defines that word as the bridesmaid who conducts the bride to the groom.[357] According to a Latin lexicon *paranymphus* means one who oversees, counsels a marriage;[358] that is, one who arranges for the wedding, and presents the bride to the groom. Sporer holds that in Germany for a Catholic to act as *paranymphus* is not considered a sign of a false faith, and may be done licitly, scandal and the danger of perversion being excluded.[359] De Lugo says that, if the *paranymphus* gives the bride to the groom or vice versa after they have been joined legitimately, the action is not illicit, for it is merely civil; but if he presents the spouses to the minister for him to unite them in marriage, the action seems to be a participation in the rite by which he marries them, and to be an approach to him as a minister of the Church, and to be an approval and an acknowledgment of his ministry, which are illicit.[360] Konings, using the word *paranymphus* without any clarification, does not wish to decide whether a Catholic may act in that capacity or not; much is to be left to the common

[354] *Op. cit.*, Vol. I, n. 277, 2°, p. 231.

[355] *Op. cit.*, Vol. VI, p. 196.

[356] *S. C. S. Officii, Instructio,* June 22, 1859, *Coll. S.C.P.F.*, Vol. I, n. 1176, p. 642.

[357] *The Classic Greek Dictionary*, p. 525.

[358] Forcellini-Furlanetto, *Lexicon Totius Latinitatis*, Tom. III, p. 406.

[359] *Op. cit.*, Tom. I, Tract. II, *in I Praecepto Decalogi*, Cap. II, Assert. V, § IV, II, p. 170.

[360] *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § V, n. 157, *op. cit.*, Tom. I, p. 556.

estimation of the people in this matter; what is considered only as civil honor, where there is no participation in false rites, cannot be reckoned as a profession of a false religion.[361] According to Merkelbach a Catholic may never be a *paranymphus* leading the bride, not to the groom, but to the altar or to the minister, because he implicitly acknowledges the authority of the minister by participating in the ceremony.[362] Wouters agrees with this opinion.[363]

Domicella, bridesmaid, is a third term used. Prümmer allows Catholics to act as honorary bridesmaid and best man,[364] when there is no scandal, danger of perversion, or contempt of ecclesiastical authority. Marc-Gestermann believe that being honorary bridesmaid is generally considered as an act of respect for the spouses, without including any approbation of an heretical rite.[365] Noldin-Schmitt[366] and Génicot-Salsmans [367] say that to act even as first bridesmaid seems to be a civil function in the common estimation in the United States. McHugh-Callan permit a Catholic to act as bridesmaid or best man at a wedding, considering these as functions pertaining to the non-religious part of the occasion.[368]

Bearing in mind the principles enunciated on what can be tolerated in the way of religious communication, it seems that the following conclusions may be made concerning Catholics and their relation to functions at the religious marriage ceremony of non-Catholics. A Catholic may not be a witness who is required by the laws of the non-Catholic sect for the validity of the marriage, or who must take an active part in the religious rites, at the religious marriage ceremonies of non-Catholics. A Catholic may not lead the bride to the

[361] *Op. cit.*, Vol. I, n. 254, 2°, p. 111.

[362] *Loc. cit.*

[363] *Loc. cit.*

[364] *Loc. cit.*, note 62, "*domicellae honorariae, etc., vulgo* bridesmaid *vel* best man."

[365] *Loc. cit.*

[366] *Loc. cit.*, n. 39, 3, d, p. 40.

[367] *Casus Conscientiae, loc. cit.*

[368] *Op. cit.*, Vol. I, n. 974, (a), p. 382.

altar or to the minister for the purpose of marriage. For a sufficiently grave reason a Catholic may lead ("give away") the non-Catholic bride to the non-Catholic groom; this circumstance, however, will occur only exceptionally, since a Catholic will not generally be so intimately associated with a non-Catholic as to be in line for this function. With the exceptions mentioned regarding acting as a witness, a Catholic may be honorary, and it seems even first, bridesmaid or best man under the conditions demanded by the Code to justify the toleration of material communication, provided such action is considered as merely civil, and not religious, and approved in the diocese. When this function is not demanded by the sect for the validity of the marriage, and when it entails no active participation in the religious ceremony, there seems to be justification for considering it a merely civil function in the common estimation to fulfill the requirements of civil law for a witness to the marriage. This condition being verified, however, there should also be the approval of the Bishop, who is the only one capable of judging all the circumstances, especially that of scandal. As a general and safer rule Catholics should decline any opportunity to act as bridesmaid or best man at the religious marriage ceremonies of non-Catholics.

Furthermore, for a Catholic to act as a religious witness, or to lead the bride to the altar or to the minister, for a non-Catholic religious marriage ceremony when one of the spouses is a Catholic involves a formal co-operation in the sin of an invalid marriage, besides the sin of religious communication.[369] This guilt of formal co-operation in an invalid marriage is incurred, too, by a Catholic who is even a merely legal witness at such marriage ceremonies. By reason of the Catholic spouse the Church legislates regarding the requirements for the validity of the marriage. Without the prescribed form the marriage is invalid, no matter how the civil power might look upon it. To be an official witness to the invalid contract implies a formal approval of it, and a formal co-operation in the sin committed by the Catholic spouse. Therefore, there can be no question of a Catholic being even a legal witness to such a marriage.

[369] Vermeersch says that a Catholic is not allowed to be a witness in the true sense at a marriage ceremony of this kind, *op. cit.*, Tom. II, n. 52, (b), p. 46.

B. Funerals

1. The Presence of Catholics at non-Catholic Funerals

Attendance at funerals of heretics for the sake of friendship is allowed by some older authors.[370] Busembaum,[371] Sporer,[372] and St. Alphonsus[373] say that in Germany material assistance is not looked upon as a sign of a false faith. Busembaum requires a just cause to justify such assistance. There can be no active communication in the heretical rite,[374] no scandal,[375] no danger of perversion,[376] or no express prohibition.[377] De Lugo considers this as a merely civil action done to manifest civil honor towards the deceased person.

The Holy See has placed some express prohibitions on certain actions which involve an active communication: it is not allowed to carry candles at the funerals of heretics and schismatics, because it is a mark of unity in these rites,[378] nor to offer suffrages with the non-Catholics for the soul of the deceased person, nor to take any other active part in the rites.[379]

The Holy Office has said that material presence is allowed for the sake of civil honor, if there is a grave reason.[380] In 1751 and 1872 it

[370] Salmanticenses, *Cursus Theologiae Moralis*, Tom. V, Tract. XXI, Cap. II, Punct. XI, n. 126, p. 93; De Lugo, *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § V, n. 159, *op. cit.*, Tom. I, p. 557; Ferraris, art. *Haereticus, op. cit.*, Tom. IV, col. 143.

[371] In La Croix, *op. cit.*, Tom. I, Lib. II, Tract. I, Cap. III, n. 54, XI, p. 169.

[372] *Loc. cit.*

[373] *Op. cit.*, Lib. II, Tract. I, n. 16, 11°, ed. Gaudé, Tom. I, p. 307.

[374] Salmanticenses, *loc. cit.*; De Lugo, *loc. cit.*; Busembaum, *loc cit.*; Ferraris, *loc. cit.*; St. Alphonsus, *loc. cit.*

[375] De Lugo, *loc. cit.*; Busembaum, *loc. cit.*; Sporer, *loc. cit.*

[376] Busembaum, *loc. cit.*; Sporer, *loc. cit.*

[377] Busembaum, *loc. cit.*

[378] *S. C. S. Officii*, Dec. 9, 1745; Jan. 13, 1818, ad 1; June 30 and July 7, 1864, ad 1; *S. C. de Prop. Fide*, Aug. 2, 1803, ad 1, *Coll. S.C.P.F.*, Vol. I, nos. 354, 727, 1257, 672, pp. 180, 428, 692, 405.

[379] *S. C. S. Officii*, Jan. 13, 1818; June 30 and July 7, 1864; Jan. 3, 1872, ad 2, *Coll. S.C.P.F.*, Vol. I, nos. 727, 1257, pp. 428, 692; Vol. II, n. 1362, pp. 41-42.

[380] Jan. 21, 1751; Jan. 13, 1818; June 30 and July 7, 1864; Jan. 3, 1872, ad 2, *Coll. S.C.P.F.*, Vol. I, nos. 379, 727, 1257, pp. 217, 428, 692; Vol. II, n. 1362, pp. 41-42.

maintained that the practice of assisting passively at such funerals could be continued in the places concerned in the requests as long as it retained the appearance of being only a civil matter, and provided it was very difficult, or impossible, to remove the practice without grave harm to Catholics. The response of 1818 was given to the Bishop of Bardstown, Kentucky. The Bishop was advised to consider seriously whether the practice could be removed without hatreds and enmities arising, from which some grave harm to Catholics was to be feared. If these grave dangers could not be prevented, then passive presence for a reason of grave harm or danger could be tolerated. It was noted, too, that a reason is not present when a Catholic assists at a non-Catholic funeral by his own will and choice, realizing there is no harm or danger imminent for himself, and being bound by no debt of civil duty. In 1874 the Holy Office added that a Catholic may not attend a merely civil funeral of a non-Catholic from which a sacred rite and a minister were deliberately excluded as a sign of incredulity and contempt of religion.[381]

In this country Kenrick[382] and Konings[383] give the traditional teaching that there is no sin against faith in being present for the sake of civil honor at the burial of heretics, when there is no participation in the rite. Authors since the publication of the Code teach this doctrine as expressed in canon 1258, § 2. Noldin-Schmitt note that the grave harm to be feared from not attending a non-Catholic funeral could be the wounding of civil honor.[384] Some authors, referring only to the accompanying of the corpse to the cemetery, consider it as a mere civil function.[385] Sabetti-Barrett and Marc-Gestermann emphasize the fact that material assistance at the religious rites of non-Catholic funerals is forbidden in itself, because it has the appearance of religious communication. In any event the Code prohibits it in general, but tolerates it in certain circumstances.

[381] Jan. 14, 1874, ad 3, *Coll. S.C.P.F.*, Vol. II, n. 1410, p. 77.

[382] *Op. cit.*, Tom. II, Tr. XIII, n. 33, p. 46.

[383] *Op. cit.*, Vol. I, n. 254, 2°, p. 111. Cf. Göpfert, *Moraltheologie*, B. 1, § 47, 281, (2), (a), p. 331; Souarn, *op. cit.*, n. 205, pp. 203-204.

[384] *Op. cit.*, Tom. II, n. 39, 6, a, p. 41.

[385] Aertnys-Damen, *op. cit.*, Tom. I, n. 314, Quaer. 5°, p. 237; Sabetti-Barrett, *op. cit.*, n. 154, 7°, p. 159; Marc-Gestermann, *op. cit.*, Tom. I, n. 449, 2°, p. 287; Iorio, *op. cit.*, Vol. I, n. 251, 2°, p. 214.

Catholics may be materially present at ordinary non-Catholic funerals in which there is a religious rite, when they have a grave reason of civil duty or honor, and precautions are taken against scandal and the danger of perversion. In a doubtful case the Bishop is to decide. Customs may be kept regarding attendance at non-Catholic funerals,[386] if they have the implicit approval of the Bishop, or, at least, a prudent silence warranted by circumstances is observed in regard to them. Merkelbach[387] and Noldin-Schmitt[388] say that Catholics should not be present during a sermon on such occasions. This doctrine seems too strict. For, barring exceptional circumstances and the dangers of scandal and perversion, when there is a sufficient reason for attending the funeral services, there seems to be a sufficient reason to be present during the sermon. A Catholic can take means to be interiorly distracted from it, if it is necessary in order to safeguard himself.

According to a response of the Holy Office a Catholic pastor is allowed to be materially present at the non-Catholic funeral of a relative or friend, provided he wears no sacred vestments, and the bond of relationship or friendship is known.[389] It seems that the same doctrine may be applied to priests in general.[390] They should wear street dress in those countries where this is the customary garb in civil life. They may offer prayers privately for the deceased person, and, it seems, even prayers in common with the family, or relatives, or friends, outside the time of the funeral services. In places where heretics do not have ministers of their own, a Catholic priest is not allowed to accompany the corpse of an heretic from the house to the cemetery, even if the remains are not taken to the church.[391]

[386] Cf. Génicot-Salsmans, *Institutiones Theologiae Moralis*, Vol. I, n. 201, p. 151; Noldin-Schmitt, *op. cit.*, Tom. II, n. 40, note, p. 42; *S. C. S. Officii*, April 26, 1894, nos. 4, 5, 6, *Coll. S.C.P.F.*, Vol. II, n. 1868, p. 304.

[387] *Op. cit.*, Tom. I, n. 759, (1), p. 587.

[388] *Op. cit.*, Tom. II, n. 39, 6, a, p. 41. Cf. De Lugo, *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § V, n. 159, *op. cit.*, Tom. I, p. 557.

[389] May 8, 1889, *Coll. S.C.P.F.*, Vol. II, n. 1705, p. 237; Augustine, *op. cit.*, Vol. VI, pp. 196-197; *Perfice Munus*, Vol. XI (1936), p. 80.

[390] Cf. Merkelbach, *loc. cit.*, note I, p. 587.

[391] Cf. Noldin-Schmitt, *loc. cit.*, n. 39, 6, b, p. 41. The response of the Holy Office to which reference is made does not appear in the *Coll. S.C.P.F.*

Regarding non-Catholic funerals which are strictly civil and in no way anti-Catholic, it seems that material assistance is not illicit, if it is done for the sake of civil duty, or for another reason even of friendship alone.[392] Such occasions will occur at times for a departed person who was not baptized, or for a suicide who is denied Christian burial. Vermeersch appears to give a more strict view in saying that the general doctrine regarding funerals of non-Catholics applies to civil funerals of this kind.[393]

The case is more complicated when the civil funeral is also anti-religious, that is, when it is a manifestation against religion, or against the denial of Christian burial. One of these elements will be present if there is a great solemnity, or a gathering, of the enemies of the Church, if the insignia of the Masons, spiritists, and so forth, are used, or if the person wished to die as an apostate, or obliged himself to do so by some contract, even if he changed his mind at the end and died piously.[394] Cremation has an anti-religious signification. Merkelbach says that in an anti-religious funeral formal co-operation or participation is never allowed; nor is material co-operation or assistance lawful unless (a) no approval is signified and all danger of scandal is absent, (b) the assistance is no greater or longer than necessity requires, and, (c) there is present a very grave reason. Mere gratitude, ordinary friendship, an invitation, reward, fellowship in a society, or human fear are ordinarily not sufficiently grave. Near relationship, compelling pressure, or loss of office with great temporal harm suffices, especially where a reason of this kind can be easily recognized by all.[395] Aertnys-Damen forbid even material assistance at a funeral held in contempt of religion, because a funeral of this kind ought to be detested; assistance at funerals conducted with the insignia of the Masons is forbidden, too, because they are public displays against religion; for a similar reason it seems to be illicit generally to assist materially at a cremation.[396] Wouters

[392] Merkelbach, *loc. cit.*, n. 759, (2), p. 587. Cf. Aertnys-Damen, *loc. cit.*, Quaer. 6°, p. 237.

[393] *Op. cit.*, Tom. II, n. 52, (b), p. 46.

[394] Cf. Merkelbach, *loc. cit.*, n. 759, (3), p. 587.

[395] *Loc. cit.*

[396] *Loc. cit.* Cf. McHugh-Callan, *op. cit.*, n. 975, p. 382.

believes that in many places scandal is certainly present if there is question of cremation or of burial with Masonic insignia and Catholics attend.[397] Vermeersch is milder in regard to attendance at anti-religious funerals; he says that the attitude of Catholics should be to keep away from them as much as possible.[398]

Catholics need a very grave reason to justify attendance at anti-religious funerals. The gravity of the reason required depends on the circumstances of each case. In no event, however, can their presence be justified, if it is tantamount to an approval of the anti-religious demonstration. It seems that, at times at least, the funeral service may be separated from a cremation, if they are not performed in the same place; the funeral service itself, then, need not be considered as anti-religious in each case. Material presence at a cremation has been allowed in certain circumstances.[399]

Merkelbach gives a practical reminder, which can be applied to some, and perhaps to many, cases, namely, that it is licit to visit the funeral parlor to pay respects out of courtesy.[400] There seems to be equal reason for applying this to the home, if the corpse is laid out there. In this way social obligations can be satisfied in many cases, and the need for attending non-Catholic funeral services can be avoided. Ordinarily this should be all that is done when an anti-religious funeral is going to be held.

2. Catholics Acting as Pallbearers at non-Catholic Funerals

Catholic laymen may act as pallbearers at ordinary non-Catholic and merely civil funerals for a proportionate reason, all scandal and danger of perversion being avoided.[401] Acting in this capacity does not exceed the limits of passive assistance, for it does not involve a participation in the religious rites. In America it seems to be regarded as a merely civil action. Customs in this regard may be observed. In case of doubt the Bishop is to be consulted. It can sel-

[397] *Op. cit.*, Tom. I, n. 500, 4, (d), p. 341.

[398] *Loc. cit.*

[399] Cf. *S. C. S. Officii*, July 27, 1892, ad 4, *Coll. S.C.P.F.*, Vol. II, n. 1808, pp. 277-278.

[400] *Loc. cit.*, n. 759, (4), p. 587.

[401] McHugh-Callan, *op. cit.*, Vol. I, n. 974, (a), p. 382.

dom happen, if ever, that a Catholic be justified in acting as pall-bearer at an anti-religious funeral or at a cremation.

3. Co-operation in Arranging for a non-Catholic Funeral

What has been said about calling a non-Catholic minister for a dying non-Catholic applies to calling a non-Catholic minister to conduct a funeral service.[402] Catholics, whose parents have died as Protestants are to be excused, if they leave the funeral arrangements to their relatives, although they foresee that a minister will be called. They can scarcely avoid it without very grave offense, and, moreover, they hold themselves passive.[403]

[402] Merkelbach, *op. cit.*, Tom. I, n. 762, (2), p. 589; Genicot-Salsmans, *op. cit.*, Vol. I, n. 201, V, p. 152, cf. *Casus Conscientiae, Casus* 38, 2°, p. 36; Konings, *op. cit.*, Vol. I, n. 313, I, (3), (b), p. 143.

[403] Konings, *loc. cit.*

CONCLUSIONS

THIS treatise is a new presentation of the moral question of the communication of Catholics in religious worship with non-Catholics. It gives a general history of the matter, places new emphasis on the principles involved, especially in formal communication, and offers a comparative study of the opinions of authors, both old and modern, on applications to various cases. The following opinions, some certain, others solidly probable, are offered as conclusions. Those which are not certain may have become better established by reason of the considerations contained herein.

1. Formal communication in public non-Catholic worship is intrinsically wrong, and has a multiple morality, being against faith, religion, and charity. Hence canon 1258, § 1, is not a merely ecclesiastical prohibition, but is an expression of the divine law. Active participation in such worship is a formal communication.

2. The morality of material communication is to be judged according to the principles governing the permission of an evil external effect.

3. The common estimation of the people, especially where the population is made up of Catholics and non-Catholics, is a factor to some extent in determining whether some form of communication has a religious signification or not. This attitude may not be extended from one locality to another.[1]

4. The lawfulness of private communication, both formal and material, is governed by the divine law.

5. The mere entering of non-Catholic churches outside or during the time of religious services is not forbidden by canon 1258, § 2, but any violation of the divine law must be avoided.

6. It is lawful to visit the Blessed Sacrament and venerate images of the saints privately in schismatic churches. Such action is more dangerous if it is done repeatedly, for it will cause scandal and lead to indifferentism.

[1] Cf. Prümmer, *Manuale Theologiae Moralis*, Tom. I, n. 527, Note, p. 373.

7. A grave reason other than one of civil duty or honor is required to justify material presence at non-Catholic services not contemplated in canon 1258, § 2.

8. Frequent material presence at non-Catholic services by Catholic servants can rarely be licit, and never solely in line of duty as a servant.

9. Catholics are never allowed to be materially present at non-Catholic services when it is commanded in hatred of religion or in favor of a false sect. When this presence is obligatory for the sake of order, *e. g.*, in an institution, a prison, and so forth, Catholics may give it to avoid a penalty or for another sufficiently grave reason, provided they openly profess their faith otherwise and there is no danger of scandal or perversion.

10. Material presence at non-Catholic services or sermons one or the other time out of curiosity is a venial violation of canon 1258, § 2, unless there is an immemorial custom allowing it. This exception is to be understood with the provision that there is no danger of a violation of the natural law, and there there is no particular law forbidding it.

11. Singing or playing musical instruments in non-Catholic religious services is a formal communication. It makes no difference whether the hymns are orthodox or not.

12. Hearing sermons in non-Catholic churches is to be governed by the principles of canon 1258, § 2, when they are a part of a service contemplated in that canon. At other times a grave reason of another kind is required, especially when a particular law forbids it. Hearing such sermons over the radio, or on street corners, is to be governed by the natural law.

13. Catholics may not give speeches in a non-Catholic church when a non-Catholic minister presides, or offers prayers before or after the talk, but they may talk in a non-Catholic church to give Catholic doctrine outside of such times. Catholics may give a talk in a profane place on the occasion of some civil celebration, even though a non-Catholic minister offers prayers.

14. It will hardly ever be in order for Catholics to kneel when present at religious services in a non-Catholic church, except when

in the presence of the Blessed Sacrament. They may do what is demanded by politeness, for example, stand when the others stand, and uncover the head.

15. Catholics may swear by touching, or kissing, the non-Catholic Bible, when it is demanded by public authority, provided it is not a sign of recognition of a non-Catholic body, and provided it is a general practice.

16. Common churches may be used for Catholic services when there is sufficient reason and proper permission.

17. The reception of sacraments from a validly ordained priest of a non-Catholic sect is a formal communication, whenever he is not acting as a minister authorized by the Catholic Church.

18. A sacrament may never be received voluntarily from a non-Catholic priest in a rite which is invalid. Accidental non-Catholic ceremonies in a rite may be tolerated when such a minister administers a sacrament legitimately, or Baptism by order of the civil authority.

19. A validly ordained priest of a non-Catholic sect may administer private Baptism in a case of extreme necessity when no lay person, Catholic or non-Catholic, is present, who is capable of baptizing validly.

20. Acting as sponsor at the Baptism of non-Catholics by non-Catholic ministers is a formal communication.

21. A Catholic servant may hold a child during a non-Catholic Baptism for a proportionately grave reason.

22. A validly ordained priest of a non-Catholic sect may administer Penance, or Extreme Unction, and, perhaps, Viaticum, but only in cases of extreme necessity when a Catholic priest is physically or morally unavailable, and when there is no danger of scandal or perversion. When Extreme Unction is the sacrament required by the circumstances in such cases, the non-Catholic priest should first absolve conditionally.

23. It is formal communication to receive Holy Communion (except as Viaticum under certain conditions), even by way of fulfilling the Easter duty, from a non-Catholic priest.

24. It is formal communication to assist formally at a Mass of a

non-Catholic priest, unless he is legitimately completing a Mass begun by a Catholic priest as a minister of the Church.

25. It is a formal communication to give a stipend for a Mass to a non-Catholic priest.

26. It is a formal communication to receive sacramentals from a non-Catholic minister.

27. It seems to be a formal communication to assist a non-Catholic minister during his religious rites for a sick member of his sect.

28. Near relatives, especially parents, brothers, and sisters, seldom have a reason sufficient to justify their material presence at a non-Catholic religious marriage ceremony for a Catholic member of the family. Other Catholics may be present for a proportionately grave reason.

29. A Catholic may not be a religious witness at a religious marriage ceremony of non-Catholics, nor may he lead the bride to the altar or to the minister for the sake of marriage.

30. A Catholic may give the bride away to the groom. A Catholic may be bridesmaid, or best man, first or honorary, or merely legal witness at the religious marriages of non-Catholics in this country under the conditions required to justify material communication, provided the duty is considered as merely civil, and has the approval of the Bishop.

31. A Catholic priest may be present at non-Catholic religious funerals of relatives or friends, provided he wears the customary street dress, and his connection with the deceased person is sufficiently known. He may offer private prayers for the deceased person, and even common prayers with the family, or relatives, or friends outside the time of the funeral services.

32. Canon 1258, § 2, does not apply to merely civil funerals.

33. A grave reason of civil duty or honor does not suffice to justify material presence at an anti-Catholic funeral. Ordinarily social obligations can be fulfilled in these cases by paying respects at the funeral parlor or at the home.

34. A Catholic layman may act as pallbearer at ordinary non-Catholic religious funerals in this country according to the principles

of canon 1258, § 2, when it is considered as a merely civil function, and is approved at least implicitly in the diocese.

35. It is conceivable that, in places where Catholics have lived with non-Catholics for a long time, some things, which require a grave cause, be done without a grave cause through custom, or that things intrinsically wrong be done in good faith. When the danger of perversion or scandal of the faithful is not to be feared, what is not illicit in itself may be tolerated more easily, and priests should be cautious about forbidding what can never be permitted, lest they disturb good faith without hope of fruit, and provoke the hatred of non-Catholics.[2]

[2] Cf. Noldin-Schmitt, *Summa Theologiae Moralis,* Tom. II, n. 40, Note, p. 42; *S. C. S. Officii,* April 26, 1894, nos. 4, 5, 6, *Coll. S.C.P.F.,* Vol. II, n. 1868, p. 304.

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ABBREVIATIONS

AAS—Acta Apostolicae Sedis.
ASS—Acta Sanctae Sedis.
Coll. S.C.P.F.—Collectanea Sacrae Congregationis de Propaganda Fide.
CSEL—Corpus Scriptorum Ecclesiasticorum Latinorum.
DB—Denziger, H.-Bannwart, C.-Umberg, I., *Enchiridion Symbolorum, Definitionum et Declarationum de Rebus, Fidei et Morum.*
DThC—Dictionnaire de Théologie Catholique.
ER—The Ecclesiastical Review.
GCS—Griechischen Christlichen Schriftsteller der ersten drei Jahrhunderte.
HPR—The Homiletic and Pastoral Review.
Mansi—Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio.*
PG—Migne, *Patrologiae Cursus Completus, Series Graeca.*
PL—Migne, *Patrologiae Cursus Completus, Series Latina.*

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BIOGRAPHICAL NOTE

JOHN RAYMOND BANCROFT was born on August 12, 1910, in Denver, Colorado. He received his primary and high school education at St. Joseph's Parochial School in that city. After attending Regis College, Denver, for one year he entered the Redemptorist Preparatory College at Kirkwood, Missouri. At the end of four years he was admitted to the novitiate of the same Congregation at De Soto, Missouri, where he was professed on August 2, 1933. He made his seminary studies at Immaculate Conception Seminary, Oconomowoc, Wisconsin. He was ordained to the priesthood by His Excellency Samuel A. Stritch on June 29, 1938. After he had completed his final year of theology in 1939, he was sent to the Catholic University of America, from which he received the Baccalaureate in Canon Law in June, 1940, and the Licentiate in Sacred Theology in June, 1941.